



# HOUSE BILL 484: Mental Health Confidential Information Disclosure.

2023-2024 General Assembly

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<b>Committee:</b>	<b>Date:</b>	November 20, 2023
<b>Introduced by:</b>	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	S.L. 2023-95	Legislative Analyst

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**OVERVIEW:** *S.L. 2023-95 amends the law (G.S. 122C-52) to conform to federal regulations as it pertains to the requirements for disclosure of confidential information regarding a client by a mental health facility. It also requires the Commission for Mental Health, Developmental Disabilities, and Substance Use Services, Department of Health and Human Services, to adopt temporary rules until permanent rules become effective.*

*The act became effective October 1, 2023, and applies to releases of information consented to on or after that date.*

**CURRENT LAW:** G.S. 122C-52 provides a client's right to have information treated confidentially. G.S. 122C-53 provides exceptions to allow for the disclosure of confidential information.

[Subpart E of Part 164 of Title 45](#) of the Code of Federal Regulations pertains to the privacy of individually identifiable health information.

**BILL ANALYSIS:** S.L. 2023-95 provides that a mental health facility can disclose confidential information regarding a client if a client or legally responsible person consents in writing to the release of the information and the written release contains the core elements required by the Code of Federal Regulations (Subpart E of Part 164 of Title 45).

The act also requires the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services of the Department of Health and Human Services, to adopt temporary rules that will remain in effect until the permanent rules become effective.

**EFFECTIVE DATE:** This act became effective October 1, 2023, and applies to releases of information consented to on or after that date.

Jeffrey Hudson  
Director



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