

Welcome!

Meet the Faculty



Kristi Nickodem

nickodem@sog.unc.edu

Human services law (e.g., DSS and CHS boards, powers and duties of DSS and CHS directors, organization and governance of health and human services agencies, confidentiality and disclosure of social services information, liability and immunity)



Kirsten Leloudis

kirsten@sog.unc.edu

Public health law (e.g., local health directors and boards of health, confidentiality and disclosure of health information, HIPAA, mandatory reporting, minor's consent)

Meet the Faculty



Sara DePasquale

sara@sog.unc.edu

Child welfare law (e.g., juvenile abuse, neglect, dependency; termination of parental rights; adoptions; judicial waiver of parental consent for abortion; paternity)



Jill Moore

moore@sog.unc.edu

Public health law (communicable disease control, reproductive health, child immunizations, public health remedies)



Meredith Smith

meredith.smith@sog.unc.edu

Guardianship; adult protective services law



Mark Botts

botts@sog.unc.edu

Mental health law; LME/MCOs; confidentiality of mental health and SUD treatment information

Coates' Canons Blog → <https://canons.sog.unc.edu/>

Coates' Canons NC Local Government Law

Search this site...

ABOUT ▾ **AUTHORS** ▾ **BLOG CATEGORIES** ▾ **BLOGS BY YEAR** ▾

<p>PUBLIC HEALTH</p> <p>S.L. 2023-95: Changes to Patient Consent for Releasing Behavioral Health Information</p> <p>02/21/24 →</p>	<p>PUBLIC HEALTH</p> <p>Do Local Health Directors Need to Take an Oath of Office?</p> <p>02/09/24 →</p>	<p>FINANCE & TAX</p> <p>Preauditing Employment-Related Agreements</p> <p>01/31/24 →</p>
<p>PROPERTY TAXES</p> <p>Supervising the Tax Office</p>	<p>SOCIAL SERVICES</p> <p>Transportation of High-Risk Juveniles in DSS Custody: The New G.S. 7B-905.2</p>	<p>PUBLIC HEALTH</p> <p>New SOG Bulletin: Consent to Care for Minor Patients: An Update on the Legal Landscape After S.L. 2023-106, Part III</p>



The North Carolina Human Services Hub

UNC School of Government Resources for Governing Boards, Directors, and Staff of Departments of Social Services, Public Health Departments, and Consolidated Human Services Agencies



Consolidated Human Services Agency Resources

Find information regarding



Social Services Resources

Explore trainings, publications, conference



Public Health Resources

Explore trainings, publications, legal



Options for Organization and Governance of Human Services Agencies in NC

<https://humanservices.sog.unc.edu>

Local Social Services Boards

in North Carolina

KRISTI A. NICKODEM

New book
available...
more to come!

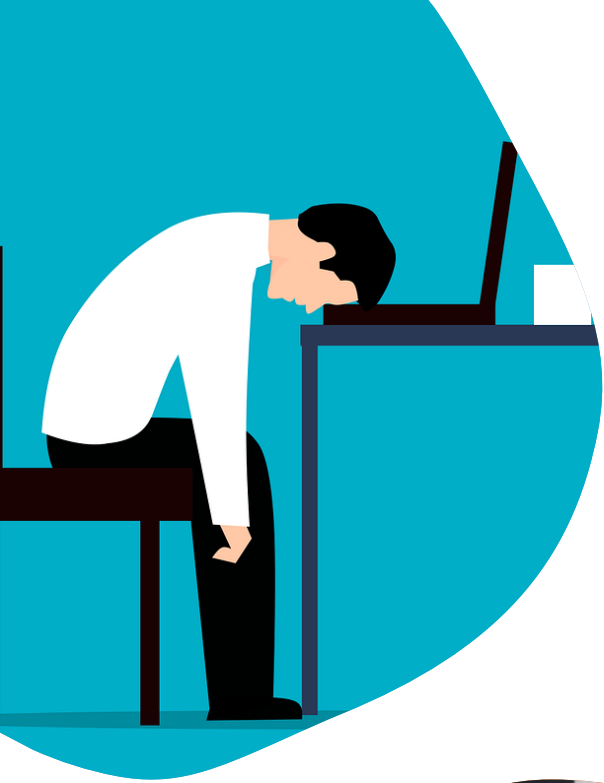
Introduction to the Law

March 4, 2024

Kristi Nickodem and Kirsten Leloudis
Assistant Professors of Public Law and Government

Foundational Concepts

This is complex!



Agencies and organizations are subject to a wide variety of different laws

- **G.S. 108A**
- **G.S. 130A**
- **G.S. 122**
- **SHRA**
- **NCAC Rules**
- **HIPAA**
- **42 CFR Part 2**
- **Federal anti-discrimination laws**
- **Case law**



Who Makes Law?



Elected Legislators

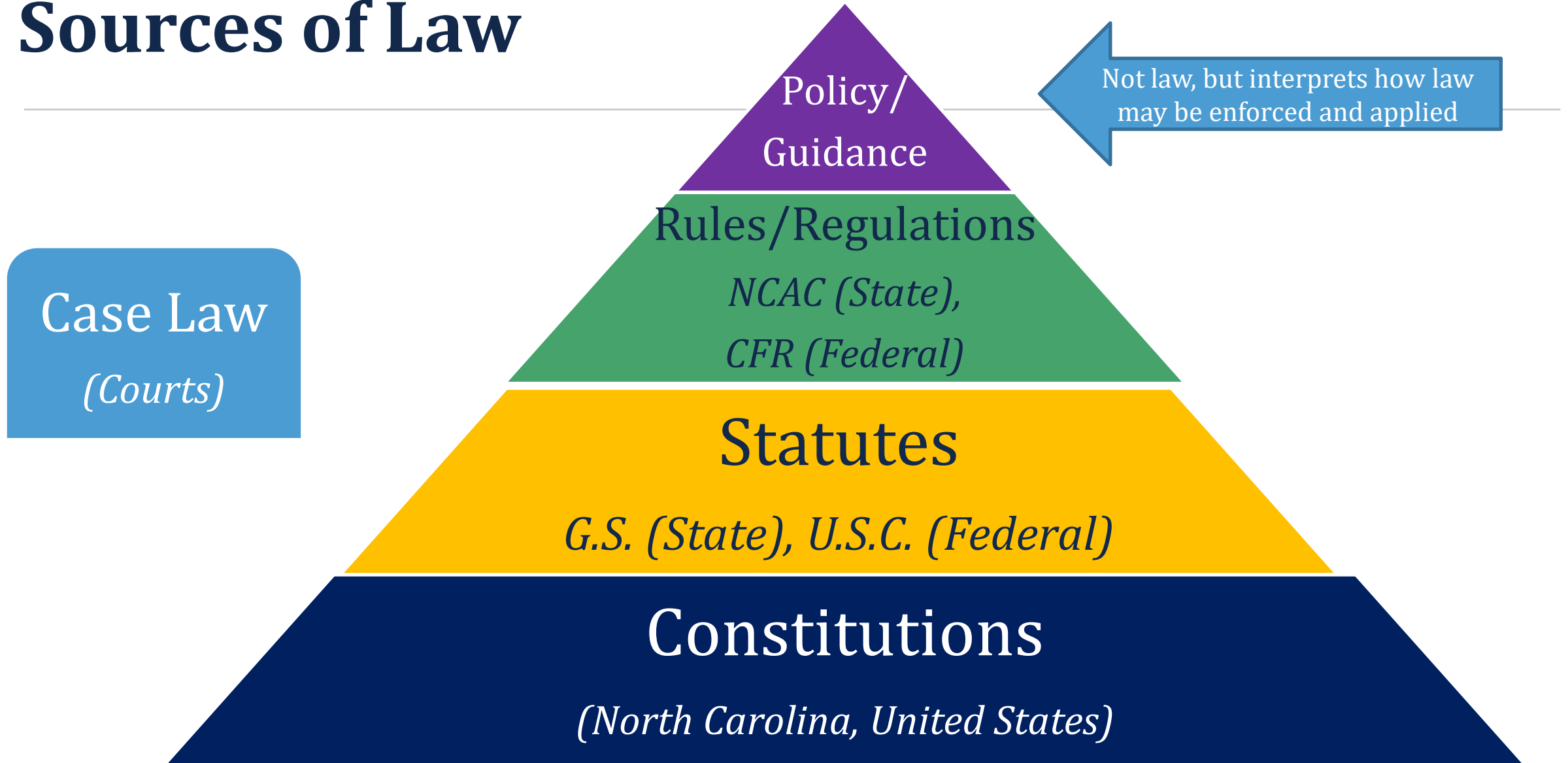


Regulatory Agencies
and Commissions



Judges

Sources of Law



CHAPTER 69 – CONFIDENTIALITY AND ACCESS TO CLIENT RECORDS

SECTION .0100 – GENERAL PROVISIONS

10A NCAC 69 .0101 DEFINITIONS

As used in this Chapter, the following definitions shall apply:

- (1) "Client" means any applicant for, or recipient of, public assistance or services, or someone who makes inquiries, is interviewed, or is or has been otherwise served to some extent by the agency. For purposes of this Chapter, someone acting on behalf of the client in accordance with their right to act on the client's behalf under a legal order, federal or State law is included under the definition of client.
- (2) "Agency" means the State Division of Social Services and the county departments of social services, unless separately identified.
- (3) "Client information" or "client record" means any information received in connection with the performance of any function of the agency, including information stored in computer systems.
- (4) "Director" means the head of the State Division of Social Services or the county departments of social services.

CROSS FUNCTION TOPICS

Confidentiality

Definition

Concern for confidentiality exists throughout the social services delivery system. However, system of care purpose of this section is to provide guidance surrounding collaboration with the understanding that the process involves responsibility for the sensitive management of confidential information.

The rationale for stringent confidentiality rules in CPS is concern for the protection of the child. CPS records of maltreatment, which may include graphic documentation received during CPS assessment activities and verbatim version of maltreatment. Information provided by the initial reporter, supportive statements from collateral sources collected because of a thorough CPS assessment by the agency. Families have a right to privacy. More critical information is provided to the child's family and the child's best interests are protected.

Rules: 10A NC Admin Code Chapter 69

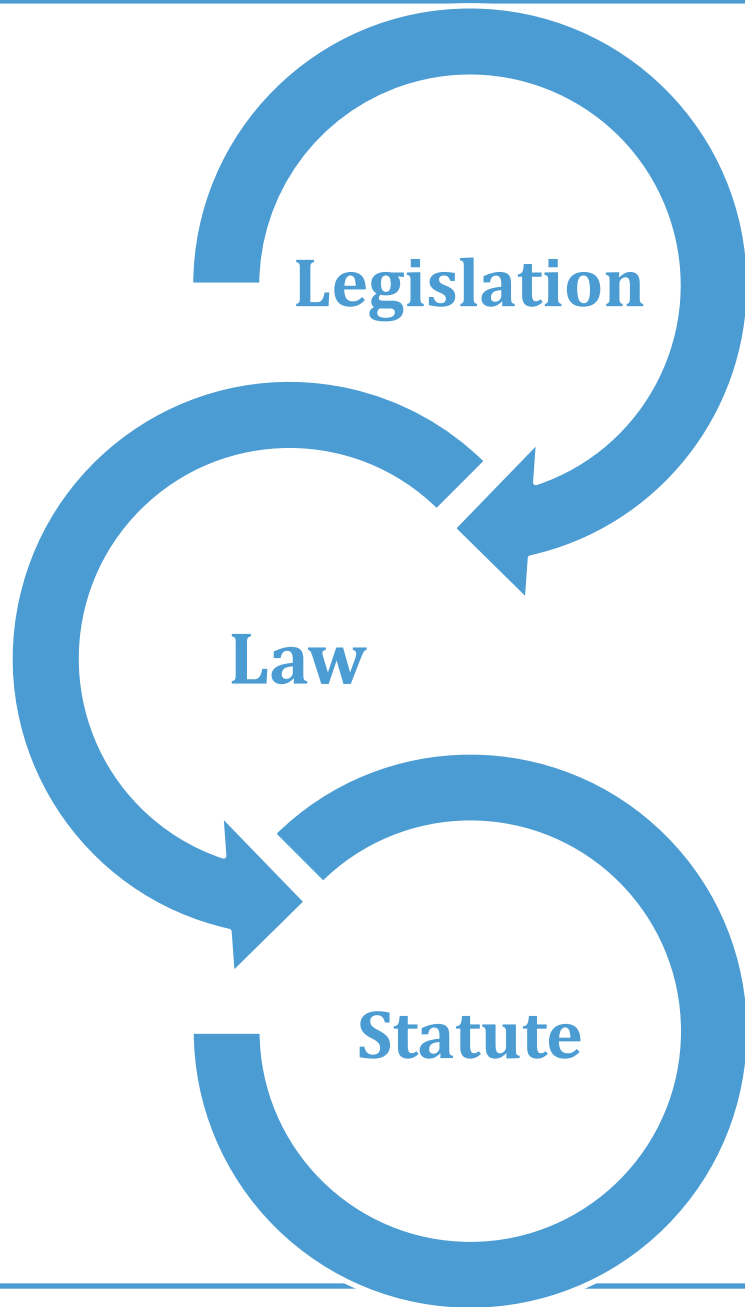
NC DHHS Manuals

Statute: G.S. 108A-80

§ 108A-80. Confidentiality of records.

(a) Except as provided in subsections (b) and (b1) of this section, it shall be unlawful for any person to obtain, disclose or use, or to authorize, permit, or acquiesce in the use of any list of names or other information concerning persons applying for or receiving public assistance or social services that may be directly or indirectly derived from the records, files or communications of the Department or the county boards of social services, or county departments of social services or acquired in the course of performing official duties except for the purposes directly connected with the administration of the programs of public assistance and social services in accordance with federal law, rules and regulations, and the rules of the Social Services Commission or the Department.

Legislation and Statutes



2023-2024 Session

Bills

1,659

Session Laws

151

3 Types of Bills

- Public
- Local
- Resolutions

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

RATIFIED BILL

RESOLUTION 2017-5

HOUSE JOINT RESOLUTION 921

A JOINT RESOLUTION HONORING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR WINNING THE 2017 NCAA CHAMPIONSHIP.

Whereas, on April 3, 2017, the University of North Carolina at Chapel Hill men's basketball team won the 2017 National Collegiate Athletic Association (NCAA) Division I Championship by defeating Gonzaga University by a score of 71-65; and

Whereas, on the road to the final championship game, the Tar Heels defeated some formidable opponents, including the Oregon Ducks (77-76), Kentucky Wildcats (75-73), Butler Bulldogs (92-80), Arkansas Razorbacks (72-65), and Texas Southern Tigers (103-64); and

Whereas, the Tar Heels looked at this year's season as redemption for losing the 2016 National Championship during the final seconds of the game against Villanova University; and

Whereas, the 2017 National Championship marks the sixth Division I NCAA Championship, adding to National Championships in 1957, 1982, 1993, 2005, and 2009; and

Whereas, in NCAA tournament play, UNC has made 48 appearances, been selected

Parents' Bill of Rights.

2023-2024 Session

GOVERNOR'S VETO OF SENATE BILL 49[VIEW BILL DIGEST](#)[VIEW AVAILABLE BILL SUMMARIES](#)

EDITION

FISCAL NOTE

Filed

Edition 1

Edition 2

Edition 3

Ratified

SL 2023-106

Last Action: Ch. SL 2023-106 on 8/16/2023**Sponsors:** Gale; Lee; Barnes (Primary)
Alexander; Corbin; Daniel; Ford; Hanig; Hise; Jarvis; Johnson; Krawiec; Lazzara;
McInnis; Moffitt; B. Newton; P. Newton; Overcash; Perry; Sanderson; Sawyer;
Sawyer; Settle**Attributes:** Public; Text has changed**Counties:** No counties specifically cited**Statutes:** 114A, 115C, 116, 90 (Chapters); 114A-1, 114A-10, 114A-15, 114A-20, 115C-150.16, 115C-218.10, 115C-238.60, 115C-402.15, 115C-76.1, 115C-76.20, 115C-76.25, 115C-76.30, 115C-76.35, 115C-76.40, 115C-76.45, 115C-76.50, 115C-76.55, 115C-76.60, 115C-76.65, 115C-76.70, 116-239.5, 90-21.10A, 90-21.10B, 90-21.10C (Sections)**Keywords:** BOARDS, CONFIDENTIALITY, EDUCATION, EDUCATION BOARDS, EDUCATION, STATE BOARD OF, ELEMENTARY EDUCATION, HEALTH SERVICES, KINDERGARTEN, LOCAL GOVERNMENT, MENTAL HEALTH, MINORS, PRESENTED, PRIVACY, PUBLIC, RATIFIED, SECONDARY EDUCATION, STUDENTS, VETOED, CHAPTERED, VETO OVERRIDDEN, FAMILY ISSUES

A bill can take a long time to become law....

- Filed: 1/31
- Crossover to Senate: 6/29
- Ratified: 7/2
- Vetoed: 7/5
- Veto Override: 8/16

LATEST 2 VOTES									
DATE	SUBJECT	RCS#	AYE	NO	NV	EXCABS.	EXC.VOTE	TOTAL	RESULT
8/16/2023 5:57 p.m.	Veto Override	[H]-522	72	47	0	1	0	119	PASS
8/16/2023 5:31 p.m.	Motion 11 Veto Override	[S]-425	27	18	0	5	0	45	PASS

HISTORY				
DATE ^{1F}	CHAMBER	ACTION	DOCUMENTS	VOTES
8/16/2023		Ch. SL 2023-106		
8/16/2023	House	Veto Overridden		PASS: 72-47
8/16/2023	House	Added to Calendar		
8/16/2023	House	Veto Received from Senate		
8/16/2023	Senate	Veto Overridden		PASS: 27-18
8/16/2023	Senate	Placed on Today's Calendar		
8/16/2023	Senate	Withdrawn From Com		
7/6/2023	Senate	Ref To Com On Rules and Operations of the Senate		
7/5/2023		Vetoed 07/05/2023	Veto Document	
7/3/2023		Pres. To Gov. 7/3/2023		
7/3/2023		Ratified		
6/29/2023	Senate	Ordered Enrolled		
6/29/2023	Senate	Concurred In H Com Sub		PASS: 26-13
6/29/2023	Senate	Placed on Today's Calendar		
6/29/2023	Senate	Withdrawn From Com		
6/29/2023	Senate	Ref To Com On Rules and Operations of the Senate		
6/29/2023	Senate	Regular Message Received For Concurrence In H Com Sub		
6/29/2023	House	Regular Message Sent To Senate		
6/28/2023	House	Ordered Engrossed		
6/28/2023	House	Passed 3rd Reading		
6/28/2023	House	Passed 2nd Reading		PASS: 66-47
6/28/2023	House	Amend Adopted A1	A1: Scanned Document	
6/28/2023	House	Added to Calendar		
6/28/2023	House	Cal Pursuant Rule 36(b)		
6/28/2023	House	Reptd Fav		
6/21/2023	House	Re-ref Com On Rules, Calendar, and Operations of the House		
6/21/2023	House	Reptd Fav Com Substitute	CS: PCS45353-TC-48	
6/13/2023	House	Re-ref to the Com on Education - K-12, If favorable, Rules, Calendar, and Operations of the House		
6/13/2023	House	Withdrawn From Com		
2/7/2023	House	Referred To Rules, Calendar, and Operations of the House		
2/7/2023	House	Passed 1st Reading		
2/7/2023	House	Special Message Received From Senate		
2/7/2023	Senate	Special Message Sent To House		
2/7/2023	Senate	Passed 3rd Reading		
2/7/2023	Senate	Passed 2nd Reading		PASS: 29-18
2/6/2023	Senate	Reptd Fav		
2/2/2023	Senate	Re-ref Com On Rules and Operations of the Senate		
2/2/2023	Senate	Reptd Fav		
2/1/2023	Senate	Re-ref Com On Health Care		
2/1/2023	Senate	Reptd Fav		
2/1/2023	Senate	Ref to Education/Higher Education. If fav, re-ref to Health Care. If fav, re-ref to Rules and Operations of the Senate		

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2023

SESSION LAW 2023-141

HOUSE BILL 415

AN ACT ESTABLISHING THE STOP ADDICTION FRAUD ETHICS (SAFE) ACT OF 2023 AND AMENDING THE LAW REGARDING EARWAX REMOVAL BY AUDIOLOGISTS.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known and may be cited as the "Stop Addiction Fraud Ethics Act of 2023" or the "SAFE Act of 2023."

SECTION 2. Chapter 90 of the General Statutes is amended by adding a new Article to read:

"Article 5H.

"Stop Addiction Fraud Ethics Act.

"§ 90-113.150. Definitions.

The following definitions apply in this Article:

- (1) Patient. – An individual who will potentially be admitted to or receive services from, or who is admitted to or receiving services from, or has been admitted to or received services from, a treatment provider or recovery residence.
- (2) Recovery residence. – A shared living environment that is, or is intended to be, free from alcohol and illicit drug use and centered on peer support and connection to services that promote sustained recovery from substance use disorders.

SECTION 3. This act becomes effective January 1, 2024, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 10th day of October, 2023.



SL Citation and Bill Number



Title



Amended Statutes



Effective Date and Application

Frequently Asked Question Download

[Download the 2021 LRS FAQ](#)

News Alert

Jan 27 2021

Access our bill summaries and the Daily Bulletin without creating an account. An account is only needed to use our My Bills and My Monitors features--learn more about them in our FAQ document above.

Tools

- > [The Daily Bulletin](#)
- > [Today's Bills: House](#)
- > [Today's Bills: Senate](#)
- > [All Bills](#)
- > [Trending Tracked Bills](#)
- > [Actions on Bills](#)
- > [Session Laws](#)
- > [Bill Categories](#)
- > [Statutes/Countries](#)
- > [Announcements](#)

LRS Account Log In

Username *



The Daily Bulletin

The Legislative Reporting Service website provides immediate access to the daily business of the North Carolina General Assembly. This robust online tool replaces the School's traditional *Daily Bulletin*.

Please visit this site daily while the North Carolina General Assembly is in session for up-to-the-minute information about legislation that will impact your organization.

Benefits of the Legislative Reporting Service

- Access summaries of every filed bill, amendment, committee substitute, and conference report

About

- > [About](#)
- > [LRS User Guide](#)
- > [Contact us](#)

Other Resources

- > [Legislative Summaries](#)
- > [Index of Legislation](#)

Online Training Modules

- > [Exploring North Carolina's Legislative Process](#)







The Daily Bulletin: List of Bill Digests

The Daily Bulletin: List of Bill Digests

1333 bulletins available

The Daily Bulletin is published at the end of each day the General Assembly is in session, and contains a summary of every bill introduced and every amendment and committee substitute adopted. To access a Daily Bulletin, click on a date below.

NOTE: If you would like to receive an email notification once the Daily Bulletin is available each day, please [click here](#). You will be asked to provide your full name and the email address at which you would like to receive the Daily Bulletin notification.

Bulletin	Date published	PDF
The Daily Bulletin	2024-01-18	 dailybulletin20240118.pdf
The Daily Bulletin	2024-01-17	 dailybulletin20240117.pdf
The Daily Bulletin	2023-12-21	 dailybulletin20231221.pdf
The Daily Bulletin	2023-12-20	 dailybulletin20231220.pdf
The Daily Bulletin	2023-11-30	 dailybulletin20231130.pdf
The Daily Bulletin	2023-11-10	 dailybulletin20231110.pdf

N.C. General Statutes (N.C.G.S.)

Chapter

Chapter 130A.

Public Health.

Article

Article 2.

Local Administration.

Part 1. Local Health Departments.

Section

§ 130A-35. County board of health; appointment; terms.

Subsection

§ 130A-35. County board of health; appointment; terms.

(a) A county board of health shall be the policy-making, rule-making and adjudicatory body for a county health department.



[Home](#) / [Bills & Laws](#) / [General Statutes](#) / [Table of Contents](#) / [Chapter 108A](#)

CHAPTER 108A - SOCIAL SERVICES.

The General Statutes include changes through **SL 2022-75**.

General Statutes published on this website are not official. Please read the [caveats](#) for more information.

[Search](#) >

[Citation Lookup](#) >

[Chapter 108A](#) v

Chapter HTML		Chapter PDF	
		Article 1 - County Administration.	
		G.S. 108A-1	§ 108A-1. Creation.
		G.S. 108A-2	§ 108A-2. Size.
		G.S. 108A-3	§ 108A-3. Method of appointment; residential qualifications; fee or compensation for services; consolidated human services board appointments.
		G.S. 108A-4	§ 108A-4. Term of appointment.
		G.S. 108A-5	§ 108A-5. Order of appointment.
		G.S. 108A-6	§ 108A-6. Vacancies.
		G.S. 108A-7	§ 108A-7. Meetings.
		G.S. 108A-8	§ 108A-8. Compensation of members.

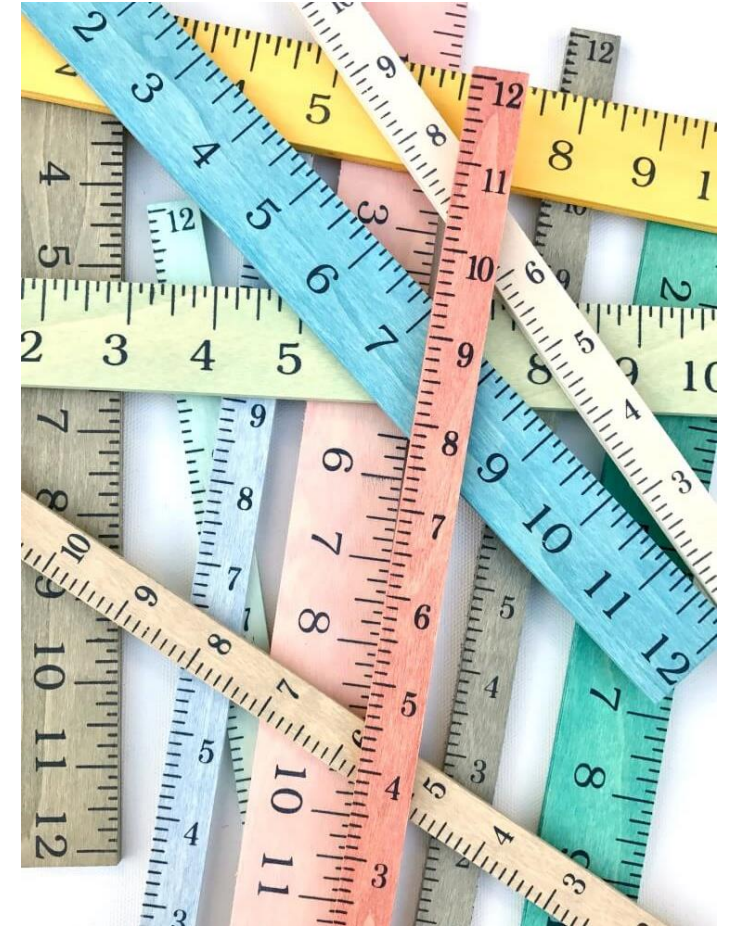
Rules

What is a Rule?

G.S. 150B-2(8a): Any agency regulation, standard, or statement of general applicability that implements or interprets an enactment of the General Assembly (NCGA) or Congress or a regulation adopted by a federal agency or that describes the procedure or practice requirements of an agency.

This means a rule...

- Is created by a NC agency or a licensing board
- Regulates some type of conduct
- Applies statewide (to members of the regulated public)
- Has the weight of law



Rulemaking Process

The rulemaking process is set out in **G.S. 150B, Art. 2A**

Permanent, temporary, and emergency rulemaking options

Scope of a rule is limited- cannot exceed statutory authority granted by NCGA

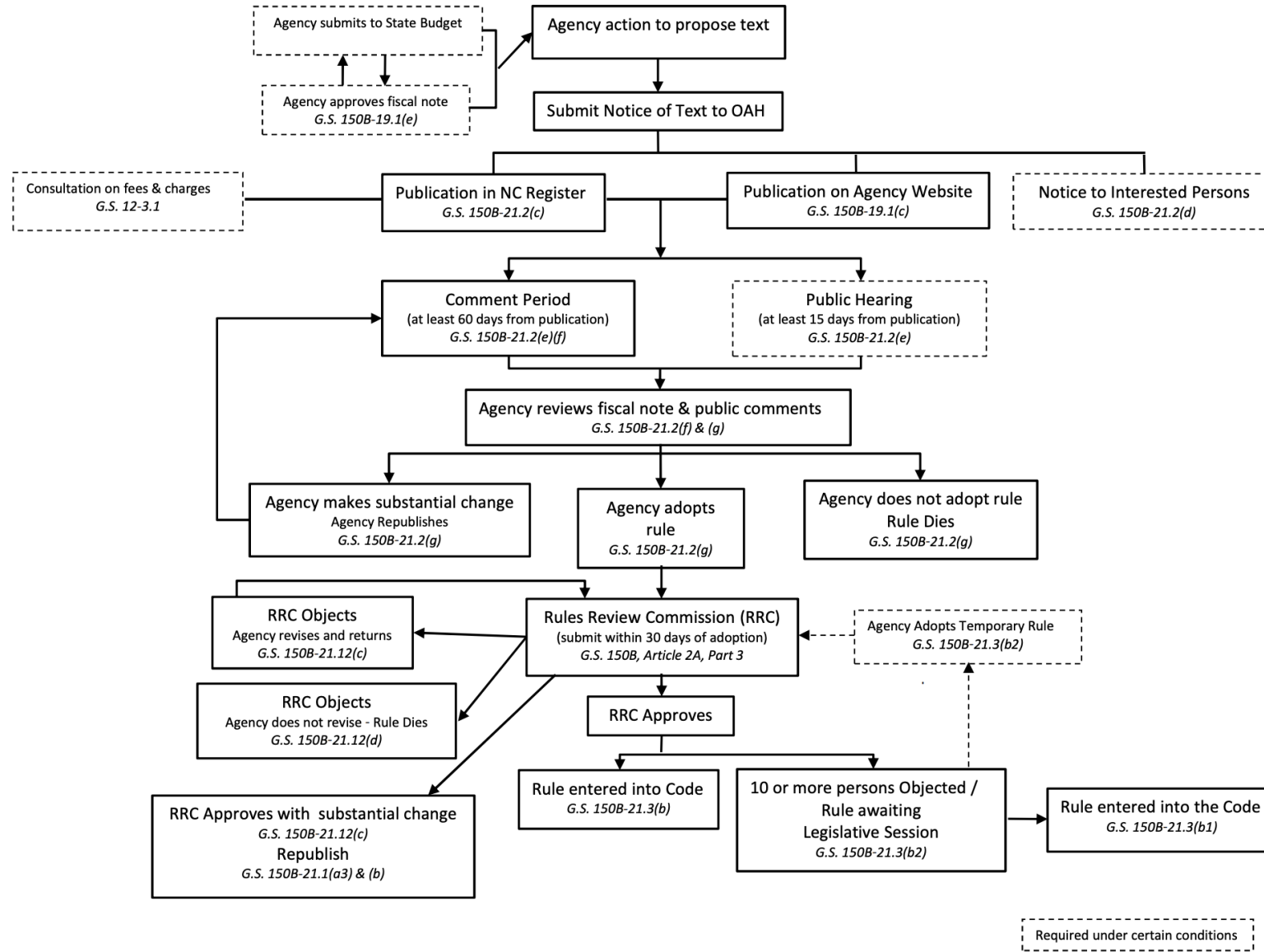
Why would you adopt, amend, or repeal a rule?

- NCGA passed a law requiring rulemaking action
- Changes to best practices, industry standards, scientific knowledge, etc.
- Petitioned to take up rulemaking action
- Court order

Permanent Rulemaking Process

Takes 12-18 months

PERMANENT RULEMAKING PROCESS



Who Makes Rules?



“Rulemaking bodies”- often called a “Commission” or a “Board”

- Typically corresponds to an agency/department
- Usually staffed by agency/department employees, including a rulemaking coordinator
- Members typically appointed by the NCGA and/or the Governor and serve set terms
- Meet on a regular schedule every year- can also call special meetings

Who Makes *My* Rules?

NC Commission for Public Health (CPH)- statewide rulemaking body for public health

- Website: <https://cph.dph.ncdhhs.gov/>
- Rulemaking coordinator: Virginia Niehaus, NCDHHS
- Rules: 10A NCAC 39, 40, 41, 42, 43, 44, 45, 46, 47, 48

NC Social Services Commission (SSC)- statewide rulemaking body for social services

- Website: <https://www.ncdhhs.gov/divisions/social-services/about-dss/social-services-commission>
- Rulemaking coordinator: Paris Penny, NCDHHS
- Rules: 10A NCAC 6, 10, 67, 68, 69, 70, 71, 72, 73, 97

Who Makes *My* Rules?

NC Commission for Public Health (CPH)- statewide rulemaking body for public health

- Website: <https://cph.dph.ncdhhs.gov/>
- Rulemaking coordinator: Virginia Niehaus, NCDHHS
- Rules: 10A NCAC 39, 40, 41, 42, 43, 44, 45, 46

NC Social Services Commission (SSC)- statewide rulemaking body for social services

- Website: <https://www.ncdhhs.gov/divisions/social-services-commission>
- Rulemaking coordinator: Paris Penny, NCDHHS
- Rules: 10A NCAC 6, 10, 67, 68, 69, 70, 71, 72, 73, 97

Want to know when CPH and SSC are amending, adopting, or repealing rules?

Contact the rulemaking coordinator and ask to be added to the interested persons listserv to receive notice of rulemaking action.

Where Do I Find Rules?

The screenshot shows the website for the North Carolina Office of Administrative Hearings. The header includes the state seal and the text "North Carolina Office of Administrative Hearings". Navigation tabs include HOME, HEARINGS, RULES (highlighted), CIVIL RIGHTS, STAFF, and LINKS. The main heading is "NCAC Table of Contents". Below this, there are search filters for "NCAC" and "Look-Up". A list of titles and their corresponding subject areas is displayed on the left, with each title linkable. On the right, there are dropdown menus for "All Titles", "All Chapters", and "Return Rules", along with a search bar and a "Search" button.

Title	Subject Area
Title 01	ADMINISTRATION
Title 02	AGRICULTURE AND CONSUMER SERVICES
Title 03	AUDITOR
Title 04	COMMERCE
Title 05	CORRECTIONS (TRANSFERRED TO TITLE 14B)
Title 06	COUNCIL OF STATE
Title 07	NATURAL AND CULTURAL RESOURCES
Title 08	ELECTIONS
Title 09	GOVERNOR AND LT. GOVERNOR
Title 10A	HEALTH AND HUMAN SERVICES
Title 11	INSURANCE
Title 12	JUSTICE
Title 13	LABOR
Title 14B	PUBLIC SAFETY
Title 15A	ENVIRONMENTAL QUALITY
Title 16	EDUCATION
Title 17	REVENUE
Title 18	SECRETARY OF STATE
Title 19A	TRANSPORTATION
Title 20	STATE TREASURER
Title 21	OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS
Title 22	ADMINISTRATIVE PROCEDURES (REPEALED)
Title 23	COMMUNITY COLLEGES
Title 24	INDEPENDENT AGENCIES
Title 25	STATE HUMAN RESOURCES
Title 26	ADMINISTRATIVE HEARINGS
Title 27	STATE BAR
Title 28	JUVENILE JUSTICE AND DELINQUENCY PREVENTION (TRANSFERRED TO TITLE 14B)
Title 29	RESERVED FOR FUTURE CODIFICATION
Title 30	STATE ETHICS COMMISSION

Rules are found in the North Carolina Administrative Code (NCAC)

- Cited by Title – NCAC – Chapter – Section/Rule #
- For example: 10A NCAC 41A .0101

Organized by subject matter

The NCAC can be searched online at:
<http://reports.oah.state.nc.us/ncac.asp>

Anatomy of a Rule

Citation and Title

Tells you where the rule is found in the NCAC and its subject matter.

Rule Body

The substance of the rule.

History Note

Full of helpful information-tells you the rule's statutory authority, when it was first adopted, and when it was amended or repealed (if applicable).



10A NCAC 42B .0102 NEWBORN SCREENING

(a) The State Laboratory of Public Health will conduct screening for the core conditions listed on the Recommended Uniform Screening Panel developed by the Secretary of the United States Department of Health and Human Services and the Advisory Committee on Heritable Disorders of Newborns and Children (the "RUSP"), which is hereby incorporated by reference, including any subsequent editions and amendments, and available free of charge at <https://www.hrsa.gov/advisory-committees/heritable-disorders/rusp/index.html>. Specimens shall be submitted to this laboratory for screening in accordance with the procedures set forth in 10A NCAC 43H .0314.

(b) The process to develop and implement new screening for the conditions described in Paragraph (a) of this Rule shall begin after:

- (1) the screening fee set out in Rule .0108 of this Section is adjusted, as permitted by G.S. 130A-125(c);
- (2) funds exist to acquire instrumentation, equipment, Program supplies, and Program personnel; and
- (3) the Program performs assay validations, implements preventative follow-up interventions, secures necessary infrastructure, and meets all federal, State, and local requirements.

History Note:

Authority G.S. 130A-88; 130A-125;

Eff. October 1, 1985;

Amended Eff. September 1, 1990;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017;

Amended Eff. January 1, 2021.

Local Board of Health Rules

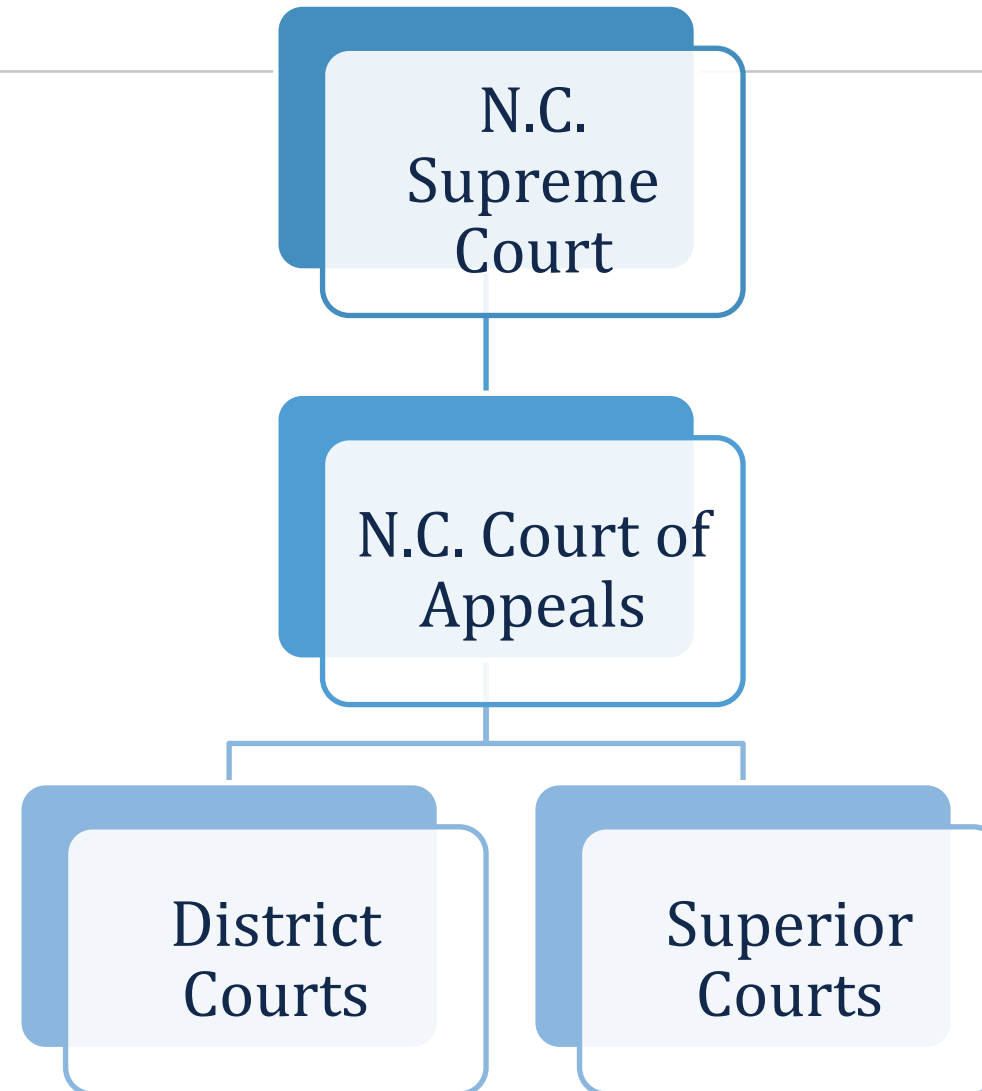
G.S. 130A-39: authorizes a local board of health (BOH) to adopt rules necessary to protect and promote public health

BOH rules...

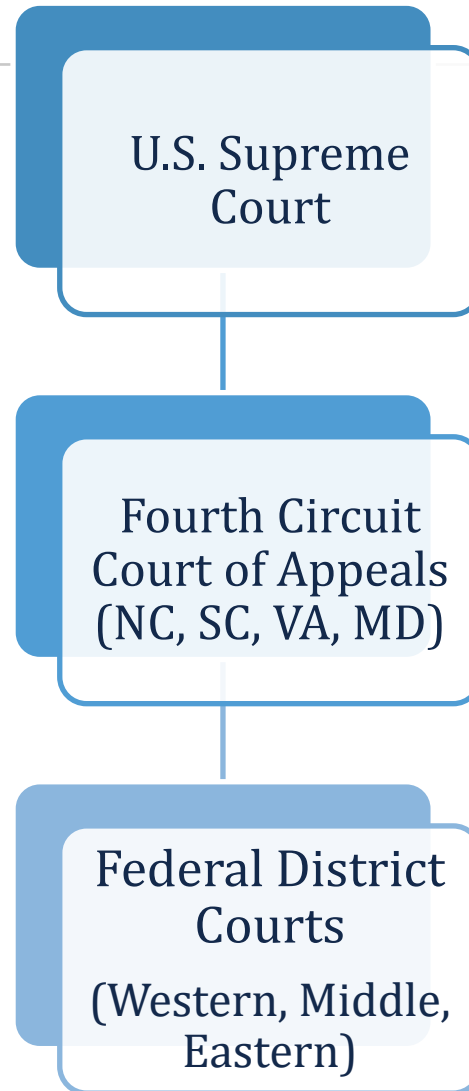
- Apply only in the county (or counties) served by the BOH
- Are adopted, amended, or repealed using process in G.S. 130A-39
- Must be more stringent than CPH rules if addressing an area already regulated by CPH
- Cannot govern sanitation inspections, permits, or grading for food and lodging

Case Law

State Courts



Federal Courts



How do courts make law?

Judges can only
decide cases
before them



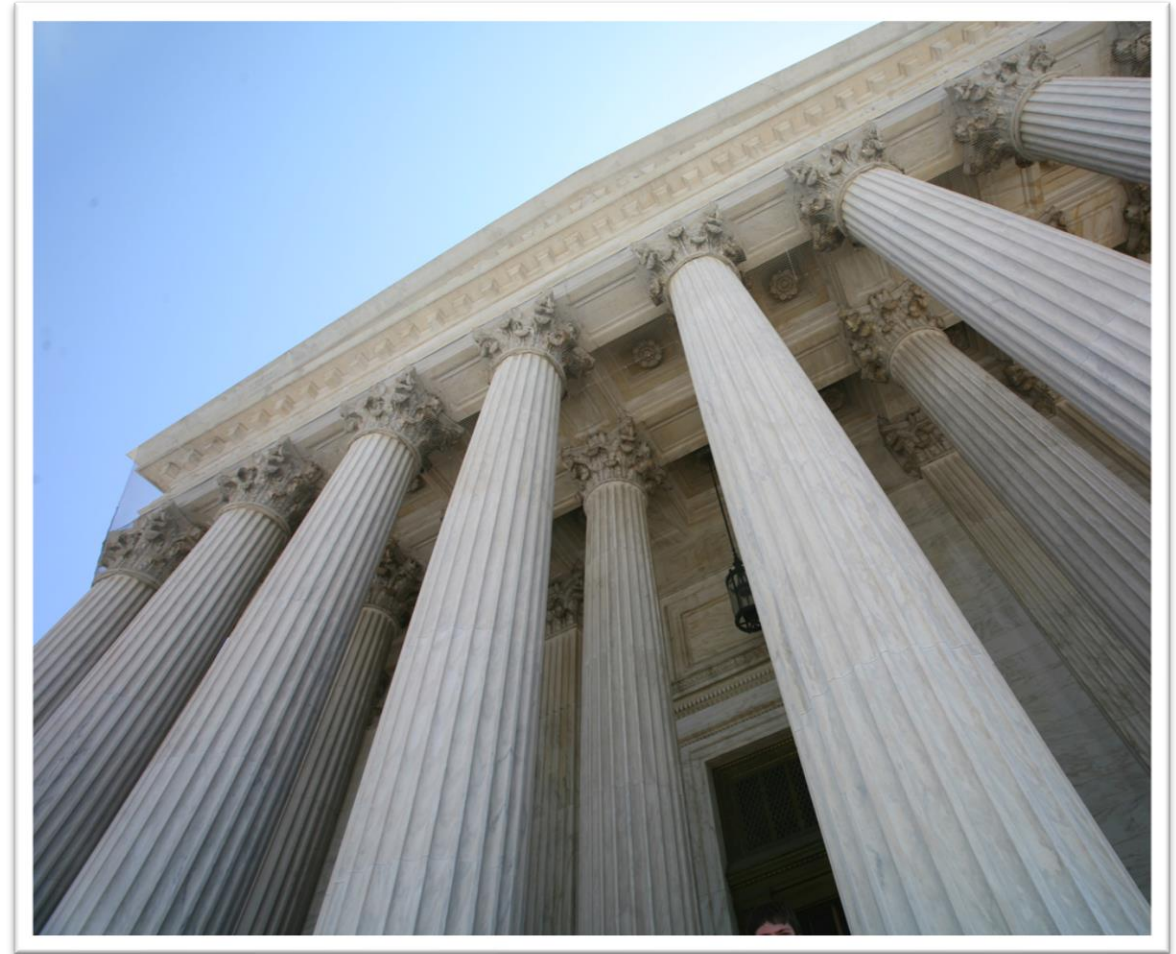
Interpreting
statutes,
rules, or the
Constitution



Areas of
“common law”

Examples

- What does it mean to provide a “reasonable accommodation” under the Americans with Disabilities Act?
- What procedures constitute “due process” before terminating a parent’s rights to the care, custody, and control of their children?
- When is a director negligent in their supervision or training of an employee?
- What First Amendment rights does a citizen have in your building?



Tying it All Together

How Do the Laws Interact?



Federal law— “the supreme law of the land”



State law—preempts local law



Local law—only pursuant to authority granted by the State

Confidentiality—How Do the Laws Interact?



Disclosure is prohibited by federal law –
You must not disclose information, even if
allowed by state law.



Disclosure is prohibited by state law –
You must not disclose information, even if
allowed by federal law, unless....



Disclosure is required by federal law –
You must disclose information, even if state law
prohibits disclosure.

Social services statutes and rules

Not a complete list!

G.S. Chapter 108A

- County administration (social services boards, powers and duties of director)
- Public assistance programs
- State oversight/MOU
- Confidentiality
- Financing programs
- Adult protective services (including financial exploitation)

G.S. Chapter 7B

- Child welfare (screening, nonsecure custody, rights of parents, appointment of GAL, hearing procedures, confidentiality, TPR, etc.); Child Fatality Prevention System
- Juvenile justice

Rules in the NCAC

- **APS:** 10A NCAC Subchapter 71A
- **CPS:** 10A NCAC Subchapter 70A
- **General SS confidentiality:** 10A NCAC Chapter 69

Public health statutes and rules

Not a complete list!

G.S. Chapter 130A

- Local health departments and boards of health
- Qualifications, powers, and duties of a local health director
- Public health programs and services (e.g., communicable disease surveillance, vital records)
- Confidentiality statutes

G.S. Chapter 90

- Licensure and oversight of health professionals, including physicians and nurses
- Article 1A addresses provision of health care services to minors

Rules in the NCAC

- **Communicable disease and control measures:** 10A NCAC Subchapter 41A
- **Local health department mandated services:** 10A NCAC Chapter 46
- **Local health department accreditation:** 10A NCAC Chapter 48

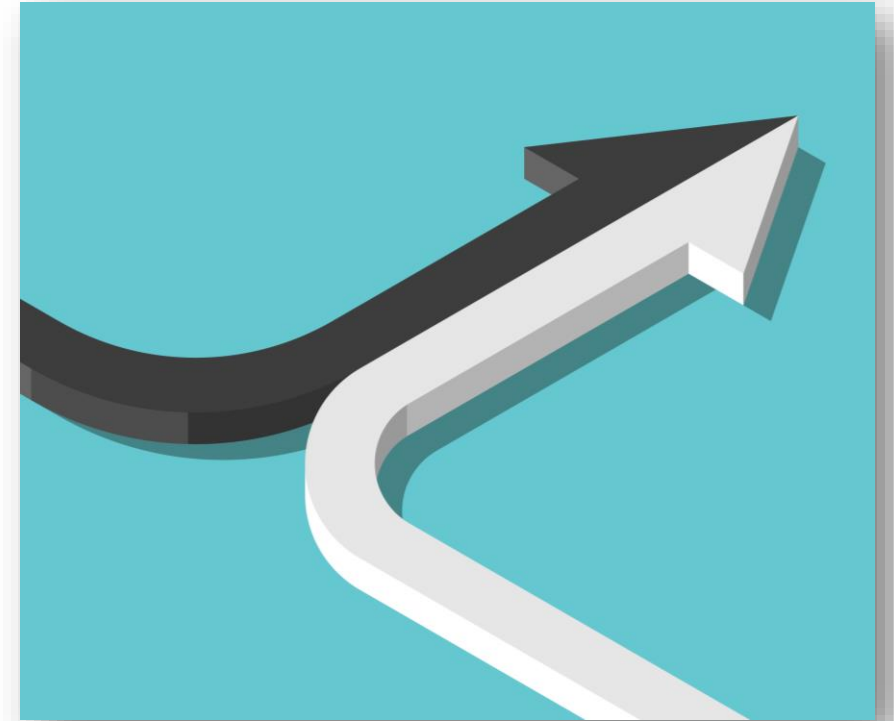
Where to find consolidated human services statutes

G.S. 153A-77

- G.S. 153A-77(a) → BOCC governance option
- G.S. 153A-77(b) → creation of a CHSA
- G.S. 153A-77(c) → requirements for a CHS board; appointments
- G.S. 153A-77(d) → powers and duties of a CHS board
- G.S. 153A-77(e) → powers and duties of CHS director

G.S. 153A-76

- Entities that cannot be abolished or consolidated



Must look to social services and public health statutes as well!

Questions?

Kristi Nickodem
nickodem@sog.unc.edu

Kirsten Leloudis
kirsten@sog.unc.edu

NC Human Services Hub:
<https://humanservices.sog.unc.edu/>

Coates' Canons Blog:
<https://canons.sog.unc.edu/>



