

## Operations Memo 18-20 Attachment

(Note: This new W-2 policy is effective October 27, 2018.)

### 4.2.2.1 Protecting Confidential Information about W-2 Participants

To provide effective services to W-2 participants ~~Due to the nature of the barriers W-2 participants have,~~ it is often necessary to obtain highly sensitive, confidential information regarding these barriers.

Information related to the following conditions ~~barriers~~ is considered confidential for purposes of the W-2 program:

1. Physical health, including HIV/AIDS ~~AODA treatment~~
2. Mental health ~~treatment~~
3. Disabilities and impairments, including physical disabilities, learning disabilities, cognitive impairments, and developmental disabilities ~~Domestic violence counseling~~
4. Alcohol and substance abuse ~~HIV/AIDS~~
5. Domestic abuse ~~Medical conditions~~

Records ~~Information~~ related to these conditions ~~barriers~~ may include but are ~~is~~ not limited to:

1. Details of Assessments, including vocational and functional evaluations
2. Screening and Medical test results
3. Treatment notes
4. Diagnoses ~~Medical Diagnosis~~

See 4.4.2 for information on scanning confidential information into the Electronic Case File. See [4.4.6](#) for information on accessing and referencing ~~storing~~ confidential information about W-2 participants.

The laws governing protection of confidential information are stricter than general information about the W-2 participant. In general, the laws narrowly restrict the disclosure and use of this information to staff members only when their assigned duties require that they have access to the information. a “bona fide need to know.” An individual or program in possession of such information (for example, a federally-assisted substance abuse program) may not release it except as authorized by the individual. Anyone who receives such information from a substance abuse program (for

example, a W-2 agency) may not again disclose it without the individual's consent and cannot retain this information unless confidentiality can be maintained.

W-2 agencies may disclose this information in the following circumstances without a release of information:

1. To other staff within the W-2 agency when their assigned duties require that they have access to the information ~~who have a bona fide need to know~~;
2. To another W-2 agency if the individual changes agencies ~~(see 4.6.3)~~; and
3. To staff from the DCF, which has direct administrative control over the W-2 program.

**Example 1:** Juanita is a W-2 T participant. ~~Based on the results of her BST,~~ Her FEP referred her to a mental health specialist for a formal mental health assessment. Based on the results of the assessment and a diagnosis of depression and situational anxiety disorder, the FEP assigned Juanita to weekly mental health counseling appointments and limited hours at a work experience site. After six months, Juanita was ready to begin employment search. Juanita's FEP shared with the employment readiness workshop facilitator Juanita's mental health diagnosis and the necessary accommodations she would need to successfully participate in the job readiness workshop. The sharing of this information was based on the workshop facilitator's "bona fide need to know" assigned duties requiring access to the information because with this information the facilitator would be able to direct Juanita towards employment that would not cause anxiety as well as provide the accommodations Juanita needs in order to maintain employment.

**Example 2:** Roberta is a new W-2 T participant who has transferred from another W-2 agency from another part of the state. Roberta has been diagnosed with post-traumatic stress disorder due to abuse she suffered earlier in her life. Roberta confided this in her FEP and shared some counseling records that she had been given by her former doctor. When Roberta's FEP saw her co-worker later in the day, she asked for some advice on finding Roberta a new doctor and shared with her the details of Roberta's past. The sharing of Roberta's past was not based on the co-worker's "bona fide need to know" assigned duties requiring access to the information because the FEP could have kept the details confidential while still seeking advice on referring Roberta to a local mental health professional.

### 4.3.3 Case Comments

Case Comments for [W-2](#) must be entered by workers using [CARES](#) and CARES Worker Web (CWW). Workers must record comments within 24 hours after the action or contact with a participant to ensure a sequential history. When a [FEP](#) makes a change to a W-2 case that leaves eligibility unconfirmed for other programs, the FEP must notify the Income Maintenance (IM)/Child Care (CC) worker to confirm eligibility for the other programs. In addition to case comments, whenever the FEP or IM/CC worker makes a change in a case, the worker must also notify the other worker via e-mail, fax, or phone contact to ensure timely processing of the W-2, CC, and IM cases.

There are two types of Case Comment entries:

The first type, Case level comments, are primarily entered into CWW, ~~but may also be entered into the mainframe. To enter Case level comments on the mainframe, use TRAN code <CMCC>, and put the following in the PARMS field: A/Case Number.~~ Case level comments should be entered when the interaction is describing a case level event that impacts eligibility issues, such as case reviews, verification, adding or deleting household members, etc.

The second type is PIN level comments. PIN level comments are entered on the mainframe. To enter PIN level comments on the mainframe, use TRAN code <CMCC>, and put the following in the PARMS field: A/PIN for the individual. PIN level comments should be entered when the interaction is describing an individual level event, such as good cause, informal assessment summary, general notes recording individual contact as it relates to work program participation, etc. PIN level Case Comments are required as a formal record of all case action or program-related information for an individual.

See [4.4.6](#) for policy on recording confidential individual case information in Case Comments.

#### **MOVED FROM 4.4.6\*\*\***

W-2 agencies must cross-reference confidential information by only generally referencing the information in CARES screen CMCC and noting that providing further details are in ECF. ~~the paper file.~~ Below are examples of appropriate language that can be used when cross-referencing this information:

1. "Participant has been referred for Mental Health Assessment. The assessment will be completed the week of March 20th for a total of 35 hours."
2. "Participant is currently receiving [AODA](#) treatment 10 hours per week. ECF contains ~~See paper file for~~ assessments and treatment notes."
3. "Participant is currently restricted per completed medical capacity form to no more than 30 minutes of continuous sitting or standing. Participant is scheduled for surgery in two weeks. The doctor estimates a 12-week recovery period."

Updated ANDI and AIWP accordingly. Paper file ECF contains complete medical information and diagnosis provided by the doctor."\*\*\*

See [4.2.2.1](#) for a listing of confidential information that must never be entered in Case Comments. ~~All highly confidential information needs to be stored in a paper file, in a secure location.~~

#### 4.4.2 Scanning Requirements

The following scanning guidelines must be followed by all W-2 agencies:

1. All ongoing case scanning must be completed within 30 calendar days of the reported/required case action having been performed in [CARES](#) or within 30 calendar days of being received in the [W-2](#) agency. It includes the scanning of documents turned in at intake, review and those dropped off or mailed into the agency. ~~The exception is confidential documents. For storing confidential information, see [4.4.6](#).~~
2. All confidential information except attendance documentation that contains confidential information must be scanned into ECF under the appropriate document codes. (See 4.4.6) The ECF Handbook lists the appropriate document codes for W-2 confidential information.
3. *Case Review Monitoring:* Files requested for review by the [DCF](#) must be scanned into the ECF, in their entirety, within 10 working days of receiving the request. This may include cases requested for monitoring purposes, ad hoc queries or any other monitoring purpose.
4. *Transfer Cases:* When transferring a case, agencies must scan all relevant material prior to transferring the case. ~~The exception is confidential information which must be mailed to the new agency. (See [4.6.3](#))~~

If an agency is unable to meet these requirements, agency staff must notify the appropriate DCF regional staff.

#### 4.4.3 Record Retention Requirements

W-2 agencies must retain W-2, [JAL](#), and [EA](#) case-related paper documents for three years after a case closes if the agency has not scanned the documents into the [ECF](#). This three-year retention requirement also applies to audio tapes of Fact Finding Reviews. ~~The only documents that agencies should not scan into the ECF are those that contain sensitive and confidential information (W-2 Manual [4.2.2.1](#) and [4.4.6](#)).~~ After

the case has been closed for three years, the W-2 agency can destroy the paper documents and audio tapes.

W-2 agencies must retain paper documents for longer than three years if any litigation, claim, or audit involving the case is unresolved. In these situations, the W-2 agency must not destroy the documents until three years from the date the issue was resolved. The terms “litigation,” “claim,” and “audit” include lawsuits, Fact Finding Reviews, Departmental Reviews, Intentional Program Violation claims, federal or state audits, Legislative Audit Bureau audits, etc.

W-2 agencies are required to scan all paper documents except attendance documentation that contains confidential information into ECF ~~that do not contain sensitive and confidential information~~ within 30 days after receipt. Agencies may destroy paper documents that they have scanned and stored in the ECF at any time. It is recommended that agencies retain paper documents that it has scanned into ECF for at least a week in the event they discover scanner operator error. This includes copies of birth certificates, Social Security cards, marriage certificates, etc. Agencies must return original documents to the owner. (See [4.4.1](#)) Confidential documents retained in case of scanner operator error must be stored in a sealed envelope in the paper file under lock and key. If an agency determines that a paper copy of a confidential document must be kept long term, the document must be stored in a sealed envelope in the paper file under lock and key.

W-2 agencies must not delete any documents from ECF unless the document is scanned under the wrong case. In this situation, the agency must either re-index the document to the correct case or delete and rescan the document. See ECF Handbook Sections [1.4](#) and [5.1.3](#) for more information.

~~The [DHS](#) will purge documents scanned into ECF. DHS will not purge documents until at least the minimum document retention time period of three years has lapsed and then DHS will purge documents based on storage space, case closure dates, and other considerations.~~

#### **4.4.6 Storing and Accessing Confidential Information**

The [FEP](#) must store all confidential information in ECF except attendance documentation that contains confidential information, ~~a sealed envelope in the paper file.~~ ~~W-2 agencies are prohibited from scanning confidential information into ECF.~~ Attendance documentation that contains confidential information must be stored in a sealed envelope in the paper file under lock and key.

Only the FEP assigned to the case and the FEP’s assigned supervisor may access a case’s confidential information in ECF. Other staff within the W-2 agency can access confidential information only when their assigned duties require that they have access to

the confidential information. In this situation, staff must work with the FEP assigned to the case or the FEP's supervisor to obtain the needed information. See 4.2.2.1 for information that is considered confidential for purposes of the W-2 program.

~~W-2 agencies must cross-reference confidential information by only generally referencing the information in CARES screen CMCC and that providing further details are in ECF, the paper file. Below are examples of appropriate language that can be used when cross-referencing this information:~~

- ~~1. \_\_\_\_\_ "Participant has been referred for Mental Health Assessment. The assessment will be completed the week of March 20th for a total of 35 hours."~~
- ~~2. \_\_\_\_\_ "Participant is currently receiving AODA treatment 10 hours per week. ECF contains See paper file for assessments and treatment notes."~~
- ~~3. \_\_\_\_\_ "Participant is currently restricted per completed medical capacity form to no more than 30 minutes of continuous sitting or standing. Participant is scheduled for surgery in two weeks. The doctor estimates a 12-week recovery period. Updated ANDI and AIWP accordingly. Paper file ECF contains complete medical information and diagnosis provided by the doctor."~~

### **4.6.3 Transferring Formal Assessments**

When an individual applies for W-2, the applicant W-2 agency should check in CARES to see if the individual received W-2 in the past. If the individual received W-2 in the past, the applicant W-2 agency must check in CARES screen WPBD to see if any formal assessments were completed during a prior W-2 episode at a prior W-2 agency(ies). If so, the applicant W-2 agency must obtain request the following information from the previously assigned a prior W-2 agency:

1. All copies of formal assessments and treatment notes from the past 12 calendar months; and
2. Any copies of additional information and assessments greater than 1 year that were used to determine how the participant was last served by the previously assigned prior W-2 agency.

If the information is scanned into ECF, the W-2 agency must obtain the information from ECF.

If the information is not scanned into ECF, the applicant W-2 agency must contact the previously assigned prior W-2 agency and request formal assessments and treatment notes from the previously assigned prior W-2 Agency's Default Case Manager that is listed on CARES table TWCM.

The previously assigned ~~prior~~ W-2 agency is required to provide ~~send~~ all copies of requested documentation to the ~~applicant~~ W-2 agency so that it is received within 7 working days. The requested documentation ~~All confidential information~~ must be scanned into ECF using the WPM code or sent by US mail or other delivery services with tracking or through a courier. Copies of confidential documents cannot be ~~scanned~~, faxed or emailed.

Any case that is transferred within Milwaukee or reapplies for W-2 in the balance of state may only satisfy the formal assessment requirement for a W-2 T placement if the formal assessment for the stated barrier/disability was completed in the 12 months prior to the agency transfer or new application. If it was not within the 12 months prior, the new W-2 agency will need to request that a new formal assessment be completed within 30 days of making a new W-2 T placement. See [5.5.1.1](#).