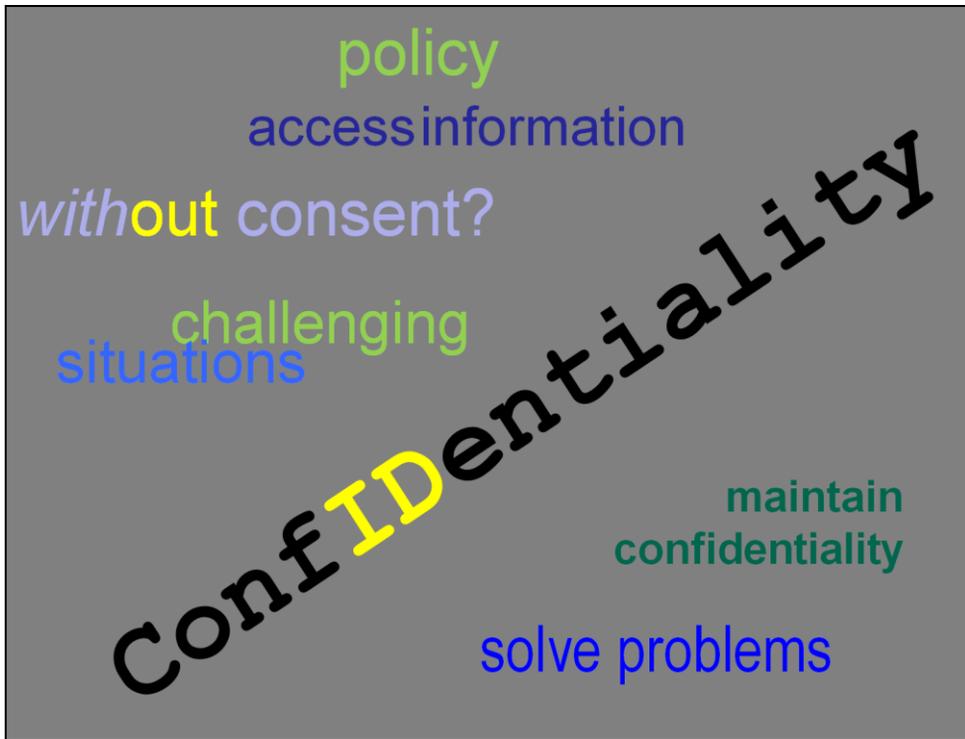


Shhhhhh.... Let's keep it confidential!

Welcome to the WI WIC Confidentiality Online Orientation course. In this course, you will learn what you need to do to protect WIC participants' information.

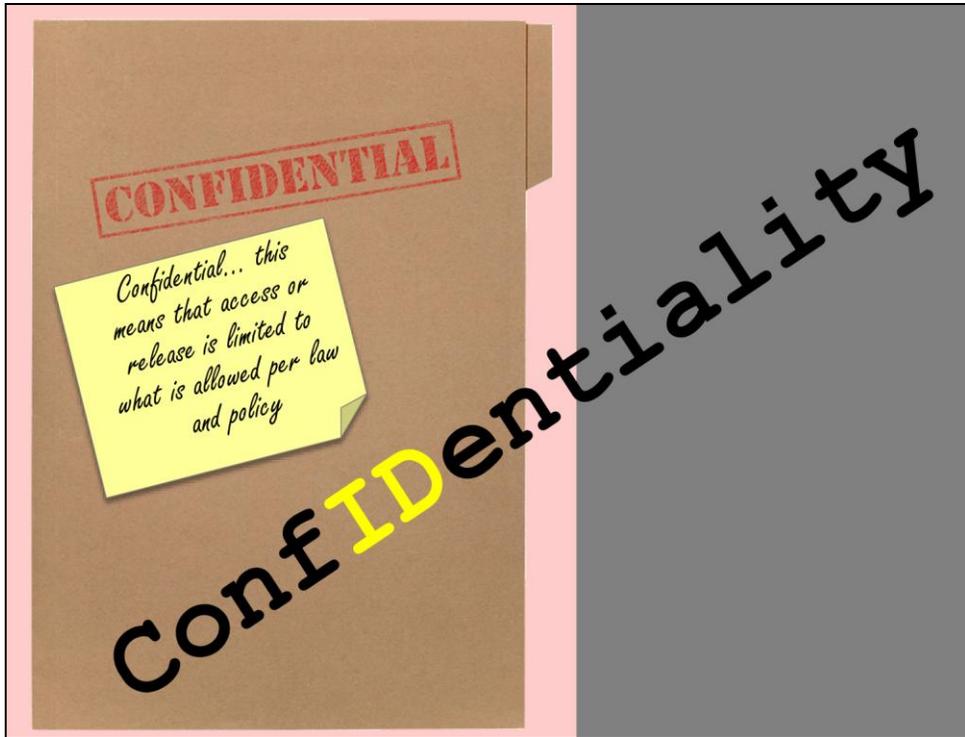


Notes are on the Captivate page – navigation, audio tips.

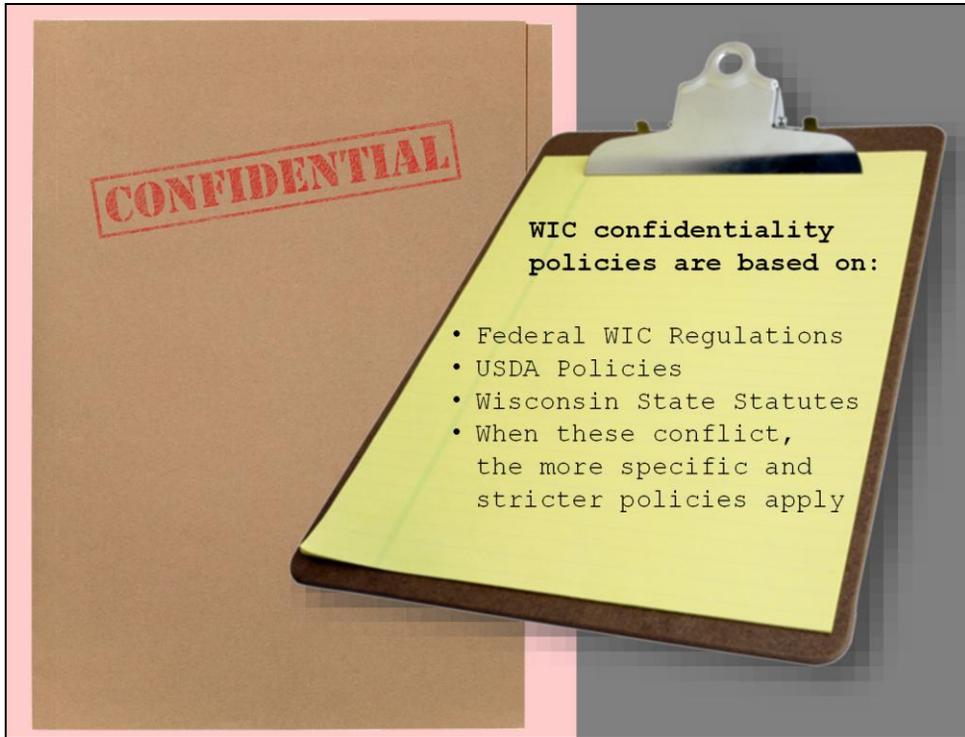


What are some of the questions you need to consider about confidentiality?
Rollover each phrase or word.

- Which policy explains WIC confidentiality requirements?
- How can WIC participants access their own information?
- Can other people access WIC participant data without their consent?
- Can other people access WIC participant data with their consent?
- What are some challenging situations in WIC that relate to confidentiality issues?
- How can you maintain confidentiality of WIC participants on a daily basis?
- How can you solve problems when you need to deal with challenging confidentiality situations at your WIC agency?



Let's start by defining what the word "confidential" means in the WIC context. "Confidential" is a term that means access to participant information or release of participant information to others can be done only as legally allowed per law and policy.



WIC confidentiality policies are based on:

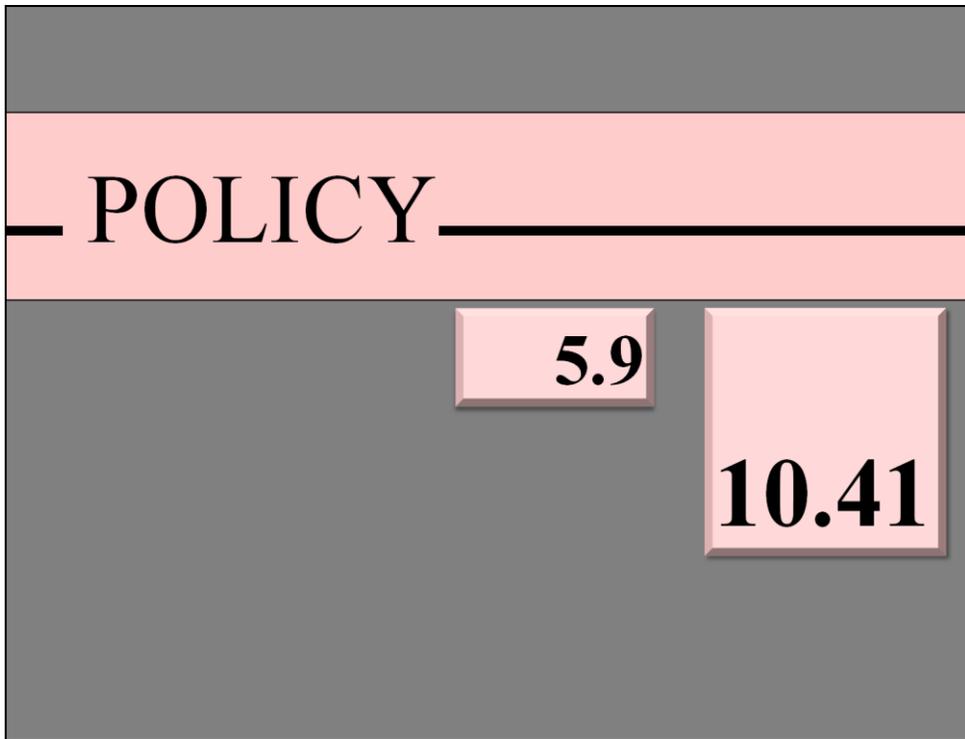
-Federal WIC Regulations and USDA policies.

- Wisconsin has statutes that govern the release of information by health care providers, such as those that include child abuse reporting, and the release of information regarding mental health and alcohol abuse treatment.

Sometimes state statutes and WIC regulations or USDA policies conflict. When this happens, the more specific and the stricter policies apply. We've studied all of these and incorporated them all into our State WIC policies and procedures.

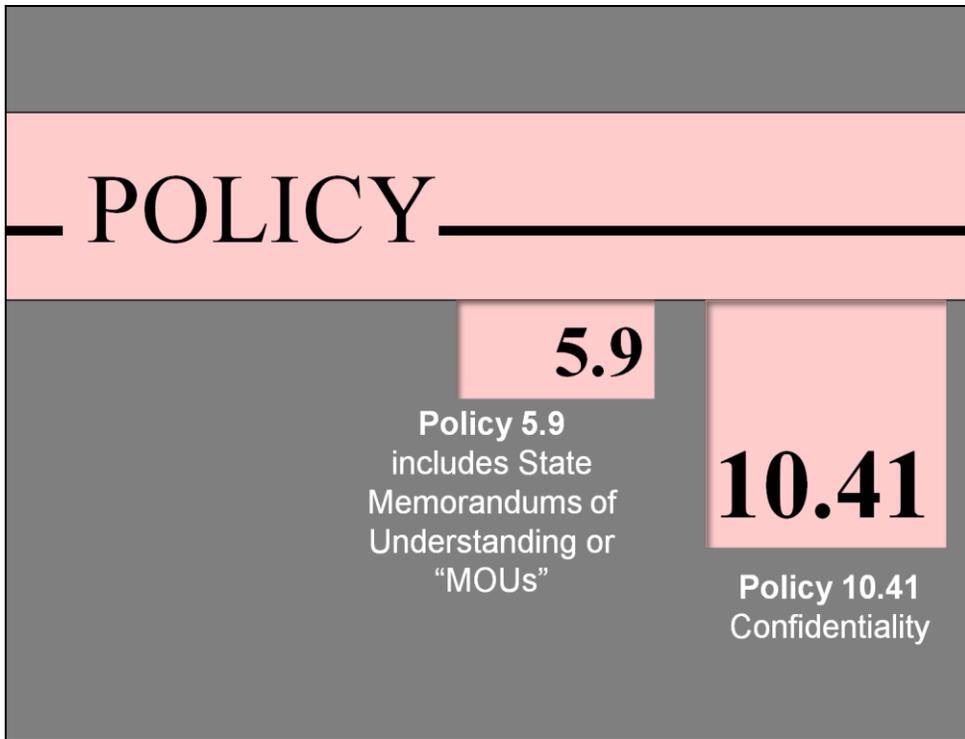


Now that you know how confidentiality is defined... Which policy explains WIC confidentiality requirements?



These two WIC Policies, which you can find in the WIC Operations Manual on WICPRO, provide critical information about confidentiality in WIC.

See what you can learn about each policy. Rollover a number.



Policy 10.41 includes just about everything you need to know about maintaining confidentiality in WIC. Just remember that things do come up that aren't covered in this. At those times, you may need to talk to your supervisor.

Policy 5.9 includes State Memorandums of Understanding or “MOUs” with other programs. These MOUs allow for release of participant information without consent. Policy 5.9 also describes when and how local agencies can develop MOUs. There's more on this later in the course.



HIPAA... the federal Health Insurance Portability and Accountability Act of 1996. Heard of it? You've probably had to sign a HIPAA form at the doctor's office to allow someone in your family or another doctor to look at your records. Put simply, HIPAA sets standards for privacy and security of health information.

This all sounds good but guess what? WIC doesn't have to comply with the HIPAA. However, you do need to know that our participants may be required to sign off on HIPAA in other programs. Just know that if you are being told to do something because of HIPAA, review the WIC policies.

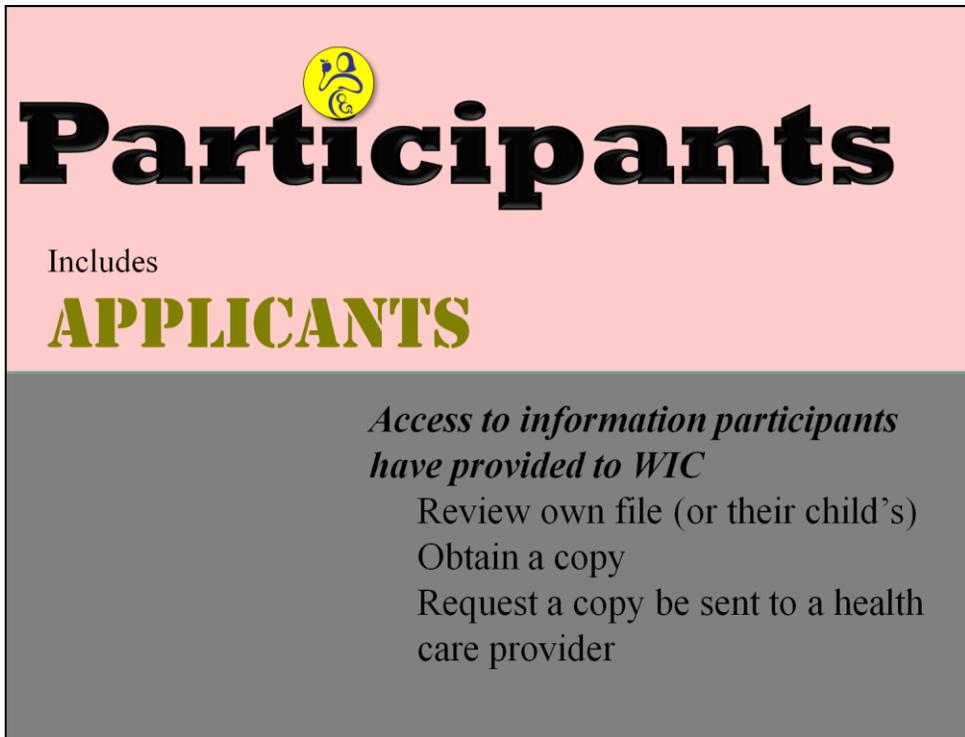


Do participants have access to their own file? How can WIC participants access their own information?



First, let's review the definition of a participant.

"Participants" includes applicants...Pregnant and Postpartum Women, parents and legal guardians of infants and children (but NOT other caregivers).



Participants

Includes

APPLICANTS

Access to information participants have provided to WIC

- Review own file (or their child's)
- Obtain a copy
- Request a copy be sent to a health care provider

Applicants and participants have access to information they have provided to WIC. They can review their own (or their child's) ROSIE file and paper documents (such as a referral form) during regular WIC office hours. They can also obtain a copy of paper documents and ROSIE screens, and they can request that a copy be sent to a health care provider.

You must provide access to information that the applicant or participant provided to you, but you do NOT need to provide access to information provided by WIC staff or others.

So, for example, if you are the person doing intake and a participant wants to see what you're entering into the Income tab in ROSIE, you can show her.

Participants

Includes
APPLICANTS

**This excludes Information provided
by WIC staff & others**

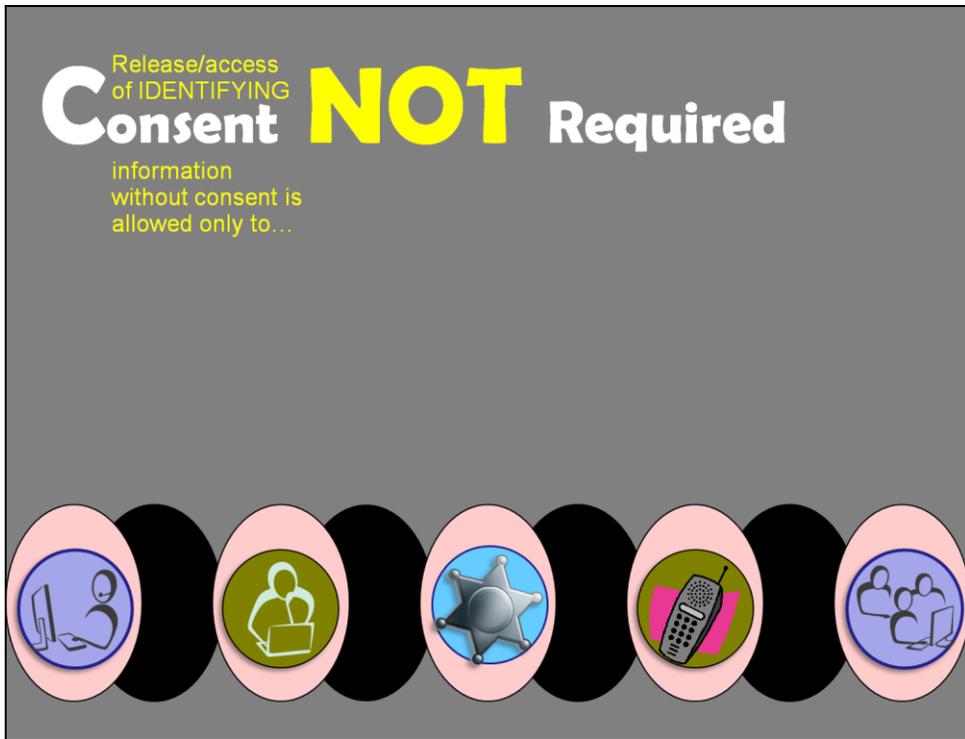
But, if you're the CPA and entering notes related to the nutrition assessment, you do NOT have to show the participant those notes. Also, if you get information from others, perhaps different income documentation, or information from an agency nurse or social worker, you do NOT have to show this.

If a participant comes back later and wants to see her file, (or those of her children), or have them sent to someone else, the first thing to do is have your Director or Project Nutritionist, or other Registered Dietician, review the file to see if there is information that shouldn't be disclosed.



What about other people?

Can other people access WIC participant data with their consent? How about without their consent?



First, we'll look at what to do when participant information can be disclosed **WITHOUT** their consent. This refers to **IDENTIFYING** information, which includes names, addresses, or other ways to link a person to the information.

Mouseover each icon.

Release/access of IDENTIFYING Consent NOT Required

information without consent is allowed only to

- Those who administer/enforce the WIC Program
- WIC volunteers
- Investigators of child abuse
- WIC staff reporting child abuse
- State & Local programs that have MOUs with WIC

Those who administer / enforce WIC Program

Note – this slide is a composite of the screen text – not the actual layout of the content – as the learner clicks on an icon, only the text for that icon will appear onscreen; like the bubble.

Script:

Information **can** be disclosed to:

-Persons connected with the administration and enforcement of the WIC Program, such as your supervisor, regional and central office WIC staff, and law enforcement agencies or prosecutors for purposes of investigating WIC fraud or crimes. (This does not allow you to disclose information to a police officer asking for someone’s address to give them a traffic ticket, however).

-Information **can** be disclosed to:

Volunteers who are helping at WIC sites, but they should only have access to information they actually need. Volunteers need to sign statements that they will keep the information confidential.

-Information **can** be disclosed to:

Investigators of threatened or suspected child abuse or neglect involving a particular child or children. These investigators include county and city departments of social or human services, a sheriff or police department, or a district attorney. This applies to investigators who come to WIC as well as those in WIC who are required to report.

-Information **can** be disclosed to:

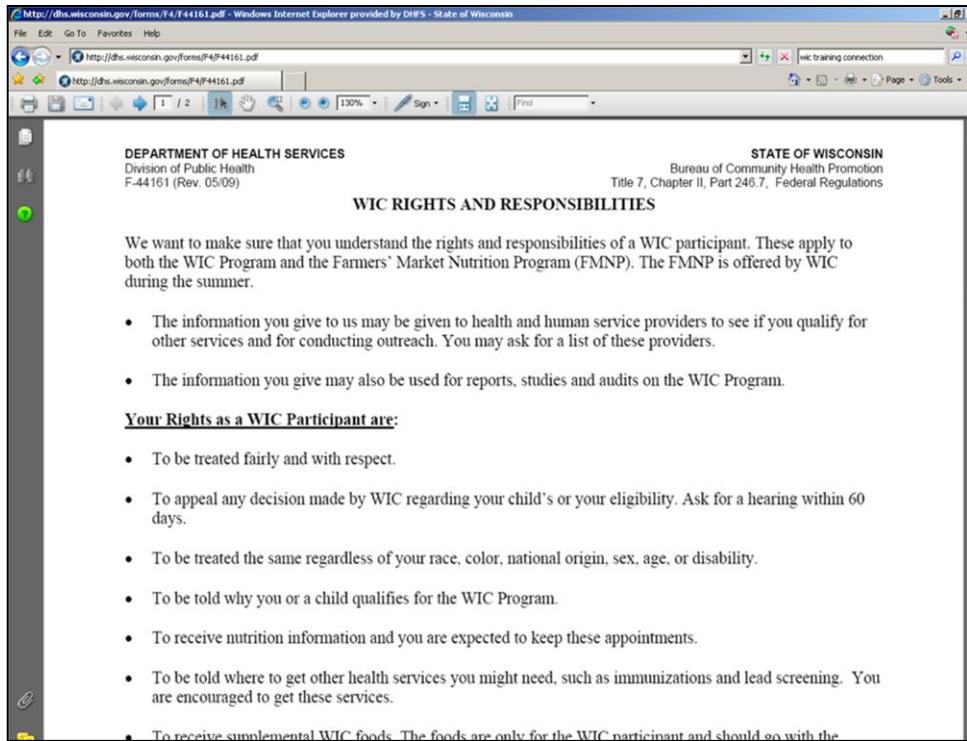
WIC staff reporting child suspected child abuse or neglect. This includes those in WIC who are required to report, such as such as RNs and Certified Dietitians and others who may wish to report. Your agency should have procedures in place for child abuse reporting.

Information **can** be disclosed to:

Other program staff (in and out of the WIC agency) if there is an official agreement or memorandum of understanding between WIC and those programs. We have several MOUs at the State level & your local agency may have some, too.

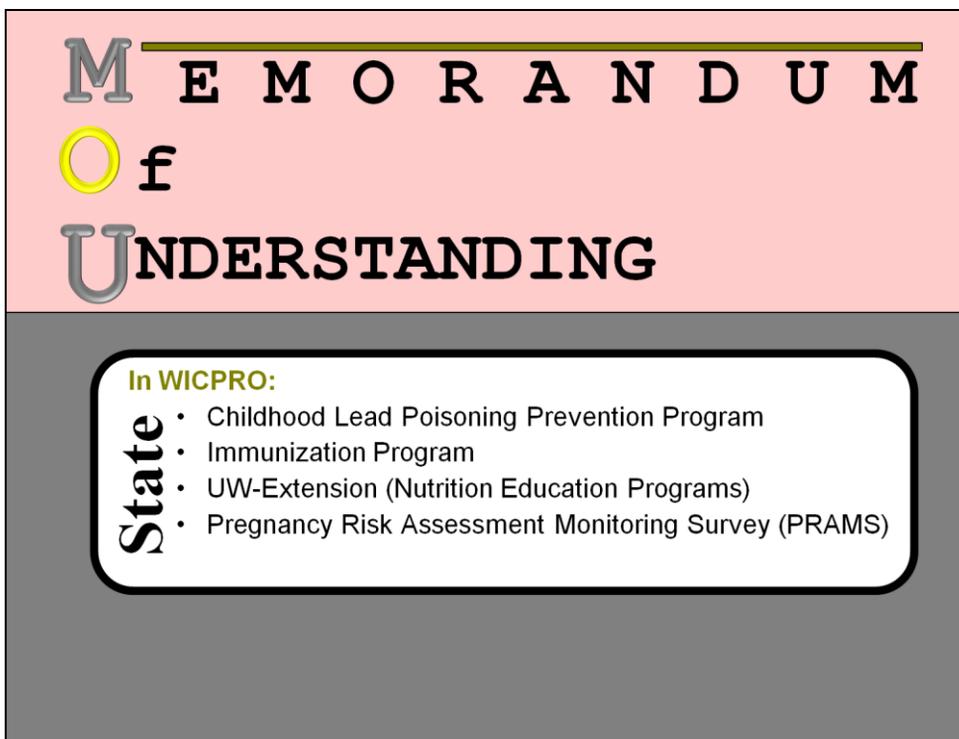
In these cases, the participant must be informed of release before this happens. For example, in the case of blood lead tests, the parent would be told that her child’s sample will be sent to the State Lab of Hygiene who will then share it with the State Lead Program or health department. Then the information would be posted on-line in the Wisconsin Blood Lead Registry where it can be accessed by the child’s doctor or others.

This information is in the Rights and Responsibilities document given to participants; they can also ask for the listing of MOUs.



If you have not seen the WIC Rights and Responsibilities yet, take a few minutes to locate it and review what it says.

A copy of it can be found in the Forms and Publication section of the WICPRO website. If you have trouble locating it, please ask your supervisor to assist you.



M E M O R A N D U M
O f
U N D E R S T A N D I N G

In WICPRO:

- Childhood Lead Poisoning Prevention Program
- Immunization Program
- UW-Extension (Nutrition Education Programs)
- Pregnancy Risk Assessment Monitoring Survey (PRAMS)

State

Here are some examples of programs with which the State WIC Program has MOUs. These are in WICPRO, and there is a sheet that summarizes what's in the MOUs. Ask your WIC Director for this. If a participant asks who their information can be released to (after seeing that line in the Rights & Responsibilities), you should show them this list.

M E M O R A N D U M

O f

U N D E R S T A N D I N G

In WICPRO:

State

- Childhood Lead Poisoning Prevention Program
- Immunization Program
- UW-Extension (Nutrition Education Programs)
- Pregnancy Risk Assessment Monitoring Survey (PRAMS)

Local Project



Check with your WIC Director

- Public Health Nursing
- Home Health/Home Visiting

Your own local WIC Project may also have some MOUs. The most common ones are with Public Health Nursing and Home Visiting. Again, ask your Director about this so you can share this list with participants, too.

Written Consent IS Required

- To release to anyone else (this includes other agency staff not covered by MOUs!)
- When a file contains info on **treatment** of
 - mental illness
 - developmental disabilities
 - alcoholism
 - drug abuse
 - in some cases, HIV test results

WIC Project consent forms

Basically, all other people **not** mentioned up to this point need to get a written consent, even agency staff not covered by MOUs.

Also, even with an MOU, there are some things to watch for... What are those things?

For example, when a file contains information on treatment of mental illness, developmental disabilities, and alcoholism or drug abuse; and, in some cases, HIV test results. This information is protected by state statutes and can be released only with participant consent. If you are a CPA, check with your WIC Director about how you are to flag files with protected information.

All agencies have consent forms. Find out where to get a consent form at your project.

DEPARTMENT OF HEALTH SERVICES
F-82009 (07/08)

STATE OF WISCONSIN
Sections 19.35 & 19.36, Wis. Stats.

CONFIDENTIAL INFORMATION II RELEASE AUTHORIZATION (Rev. 5/03)

Completion of this form authorizes the release of information described in the section below called "Specific Description of Records Authorized for Release". The person (record subject) whose records are released may have a right to inspect and, upon paying any applicable fees, obtain a copy of the disclosed records. Except for medication / somatic treatment records, a director/designee of a treatment facility for mental illness, developmental disability, alcohol or drug abuse may deny that right during treatment in some circumstances. Section 51.30, Wis. Stats., HFS 92.03-92.06 Wis. Adm. Code.

Name and Address - Agency / Organization Authorized to Release Information

EDS
6406 Bridge Rd
Madison WI 53704

Name - Person Whose Records Will be Released (Record Subject)

Address

City, State, Zip Code

Identifying Number (If Any) Date of Birth

Name - Information May be Released To
WIC Staff Workers

Organization

Address

City, State, Zip Code

Specific Description of Records Authorized for Release (Include dates of records, if applicable)

Information confirming whether the record subject (WIC applicant) is currently receiving Medicaid benefits.

Purpose or Need for Release of Information (Be Specific)

The Wisconsin WIC Program and the Wisconsin Medicaid Program have the same income standards for eligibility. The purpose of this release is to simplify the application process for WIC benefits by allowing the WIC Program to find out whether the record subject (WIC applicant) is currently eligible for Medicaid. If the record subject (WIC applicant) is currently eligible for Medicaid, the record subject (WIC applicant) will automatically meet the income standards for the WIC Program.

Here's an example of a standardized release form that, when signed, allows projects to find out participants' Medicaid/Badger Care Plus status. Your agency has a form for releasing information to health care providers. It may look different but the content will be similar.

Activity 1: True or False

(WIC participants can access their own information.)

- T – WIC participants can request a copy of their file to be sent to a health care provider.
- T – WIC participants can get a copy of their own file.
- F – WIC participants can obtain information about them that is provided by WIC staff or others.
- T - WIC participants can review their own file or their child's file.

Activity 1: True or False

WIC participants can access their own information.

T – Request a copy of their file to be sent to a health care provider.

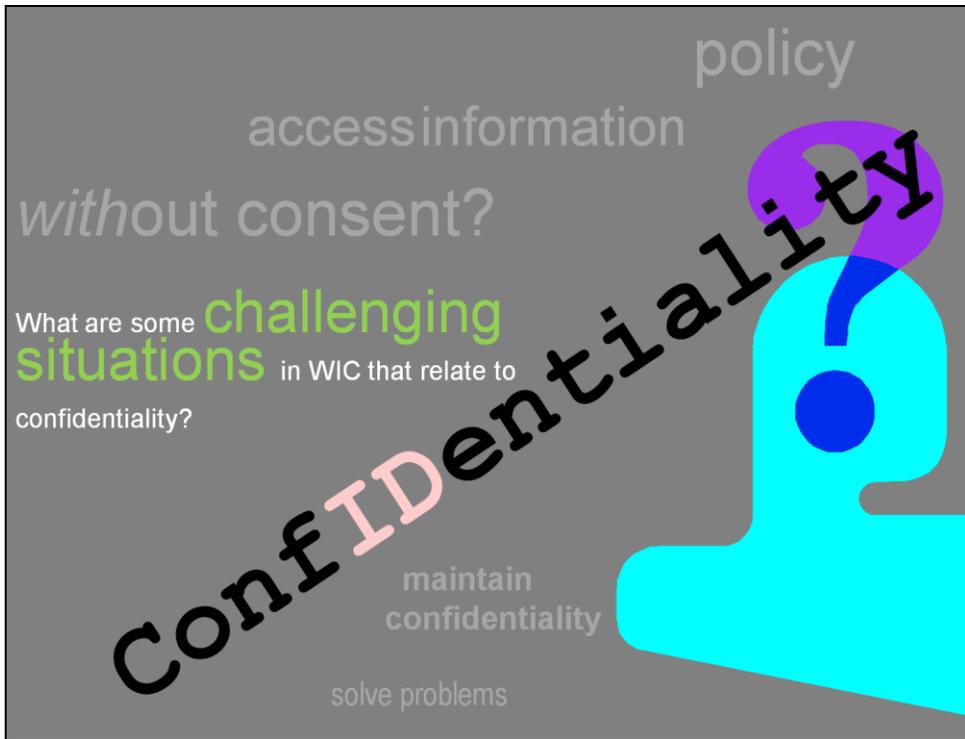
T – Get a copy of their own file.

F – Obtain information about them that is provided by WIC staff or others.

T - Review own file or their child's.

Script:

Now see what you remember.



What are some challenging situations in WIC that relate to confidentiality issues?



Sometimes there are tricky situations related to sharing participant information.

Click on each image to learn more about some common ones.

Challenging

Situations

Parent of pregnant teen:
If teen is married, or unmarried and mature, her written consent is required.



- 1) How do you deal with a mother who calls or comes in to WIC asking for information that is in her pregnant teen's file?** First, even telling the mother that her daughter is on WIC isn't allowed. Parents do not have access to information about married teens or unmarried teens who are mature and capable of understanding consent. The parent will have to talk to her daughter about this – and obtain her written consent to release her information.

Challenging

Situations

Divorced or separated parents:
Access to child's file OK unless court custody order specifies otherwise.



- 2) What about divorced or separated parents?** Both parents have access to their infant or child's file unless the court custody order specifies otherwise. Usually, if they both have custody, one parent will be in the WIC file as the guardian and the other as the proxy. But, a proxy could also be a boyfriend, a grandparent, a sibling or friend - and they do not have legal access. So, if there is any question, put the burden of proof onto that parent - she or he will need to bring in a court custody order or a written consent from the parent who brought the child in to WIC.

Challenging

Situations

Birth parents of foster children:
Access OK unless rights
restricted or terminated (includes
names of foster parents)



- 3) What do you do if you are asked for information by the birth parent of a foster child?** A birth parent can have access to the child's information unless rights have been restricted or terminated - and this includes the names and address of the foster parents. Since you probably won't know what the parent's rights are, the parent either will need to bring in documentation that they still have rights, or best yet, talk to their case worker about how the child is doing.

Challenging

Situations

Search warrants, subpoenas,
court orders:

Depends upon the situation

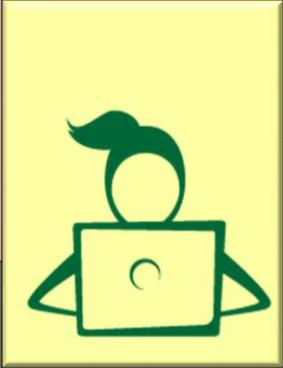
4) What should you do if a search warrant, subpoena, or a court order is presented?

This really depends upon the situation. The first step is to contact the WIC or agency director to verify what to do. In general, with a search warrant, the specific information requested can be provided. With a subpoena, the WIC Director will need to seek legal advice. And, with a court order (assigned by a judge), you can usually provide the specific information requested. Again, talk to your WIC or agency director first.

Challenging

Situations

Sometimes, other agency staff think they can have access without consent!

A yellow square icon containing a green silhouette of a person with a bun hairstyle, sitting at a desk with a laptop. The person's arms are outstretched, resting on the desk.

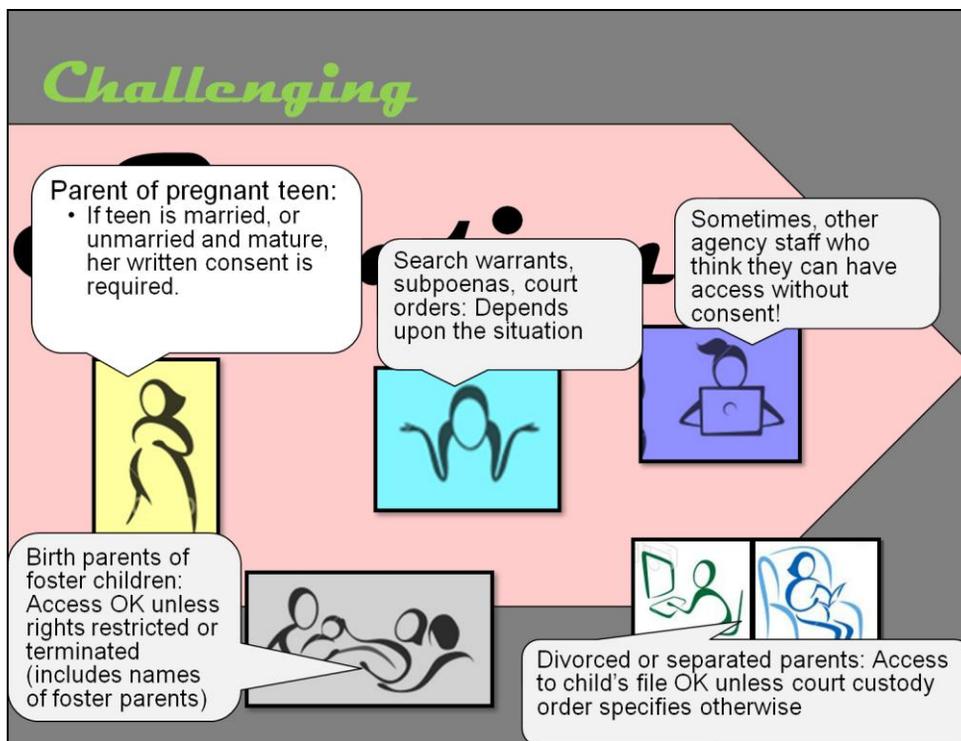
- 5) What about other staff, for example, nurses?** Sometimes, nurses or social workers come in and say they can have access to a participant's information. But, they CANNOT have access unless there is a Memorandum of Understanding between WIC and the program or service that staff works with, it's a child abuse investigation, or the parent has already provided written consent.



Remember, in these 3 situations, if indeed the parent does have legal access, it still is limited to information provided by the applicant, not information provided by WIC staff, such as Care Plan notes by the dietitian. Talk to your WIC or agency director before releasing information.



Now, see how this sounds in real life... Listen to some phone calls and front desk conversations, and make some decisions. What should you say?



- 1) How do you deal with a mother who calls or comes in to WIC asking for information that is in her pregnant teen's file?** First, even telling the mother that her daughter is on WIC isn't allowed. Parents do not have access to information about married teens or unmarried teens who are mature and capable of understanding consent. The parent will have to talk to her daughter about this – and obtain her written consent to release her information.
- 2) What about divorced or separated parents?** Both parents have access to their infant or child's file unless the court custody order specifies otherwise. Usually, if they both have custody, one parent will be in the WIC file as the guardian and the other as the proxy. But, a proxy could also be a boyfriend, a grandparent, a sibling or friend - and they do not have legal access. So, if there is any question, put the burden of proof onto that parent – she or he will need to bring in a court custody order or a written consent from the parent who brought the child in to WIC.
- 3) What do you do if you are asked for information by the birth parent of a foster child?** A birth parent can have access to the child's information unless rights have been restricted or terminated - and this includes the names and address of the foster parents. Since you probably won't know what the parent's rights are, the parent either will need to bring in documentation that they still have rights, or best yet, talk to their case worker about how the child is doing.

Remember, in these 3 situations, if indeed the parent does have legal access, it still is limited to information provided by the applicant, not information provided by WIC staff, such as Care Plan notes by the dietitian. Talk to your WIC or agency director before releasing information.

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- 5) What about other staff, for example, nurses?** Sometimes, nurses or social workers come in and say they can have access to a participant's information. But, they CANNOT have access unless there is a Memorandum of Understanding between WIC and the program or service that staff works with, it's a child abuse investigation, or the parent has already provided written consent.

Now, see how this sounds in real life... Listen to some phone calls and front desk conversations, and make some decisions. What should you say?

What should you say to Brittany's mom/dad?

a. I understand you are interested in their welfare, but we can't release information about our WIC participants to you. You will have to ask Brittany directly.

b. Well, since you're her parent and she's not married, I can tell you that she did come in, and had her first intake appointment... Let me check her file and I can tell you if she qualified for WIC or not.....



Hi, my daughter Brittany just had her baby, and I need to find out if she has talked to you folks and gotten signed up for WIC.... I'm worried that they don't eat well and want to make sure the baby is doing alright. She's living with her boyfriend now and they're on their own.

Correct answer = I understand you are interested....

What should you say to Eddie, a divorced father?

- a) Well the kids certainly may qualify for assistance, let me look in our files and I can let you know right now if they are participating in WIC.
- b) I'm afraid I can't release any information about WIC participants. It's best if you talk to your ex about this. Otherwise, if you still have custody, you'll need to bring in your court custody order before I can provide any information.
- c) I will have to get back in touch with you after I check a few things. (Then after you hang up the phone, you should contact the children's mother, to see if Eddie still has rights to information about them. Then call Eddie back.)



Hey... this is Eddie Smith. I'm wondering if my ex is already getting assistance from WIC for the kids, she's already bleeding me dry with child support and I just don't make enough to feed everyone and keep up with all the bills, and diapers are really expensive, you know? Eddie Jr. is just 18 months old, and Angelica is almost 4. Do ya think we can get some help here?

Correct answer = I'm afraid I can't release any information about WIC participants. It's best if you talk to your ex about this. Otherwise, if you still have custody, you'll need to bring in your court custody order before I can provide any information.

a) What should you say to Justin's birth mother?

a) I'm sorry, but I'm not supposed to release any information about our WIC participants. I suggest you talk to your case worker about how Justin is doing.

b) I can look him up in the computer... Yup, it looks like he is still on the same formula, and from his chart I can see that he's gaining weight. Looks like he is doing really well!

c) I can check our files and get back in touch with you, after I investigate a little further.



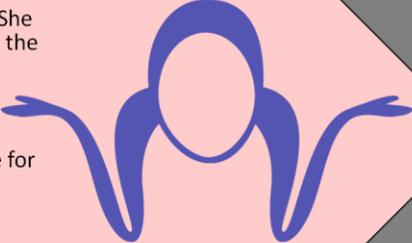
(Female voice)

Hi... this is Brianna Jones, I've been in rehab and my son Justin was taken into custody. I'm wondering if you can tell me how he's doing, he has so many food allergies that I've been worrying about him, and if his foster parents are feeding him OK. We were on WIC already, and he was on a special formula and can't take any regular dairy products. I'm supposed to get him back soon, we're just waiting for the paperwork to come through.

Correct answer = I'm sorry, but I'm not supposed to release any information about our WIC participants. I suggest you talk to your case worker about how Justin is doing.

What should you say to an officer who is at the front desk with a subpoena?

- a) Contact your WIC or agency director. She may need to contact Legal Counsel or the State WIC office.
- b) I can look that woman up in the computer, and make copies of her file for you. It will just take a few minutes.
- c) I can check our files and get back in touch with you, after I investigate a little further.



Hi, I'm Officer Barns and I have a subpoena for the file on Maryann Nash. Can you please make me a copy of everything you have on file about her?

Correct answer = Contact your WIC or agency director. She may need to contact Legal Counsel or the State WIC office.

What should you say to Lauren, the nurse from the agency down the hall?

- a) We can look Anthony up in the computer, why don't you come around the counter and we can take a look right now.
- b) I'm sorry, but I'm not allowed to provide information about our WIC participants.
- c) Do we have an MOU with your agency? I'll have to check on that first. If we do, I can release information to you.

A green silhouette of a person with a bun hairstyle, sitting at a desk with a laptop. The person's arms are outstretched, resting on the desk. The laptop screen shows a loading spinner icon.A rectangular button with a right-pointing triangle, indicating a next slide or question.

Hello.... Say, I'm Lauren, with Health Services down the hall, I need to see what you have on little Anthony Garcia, I'm wondering if he's gaining enough weight right now, he was really premature. I just saw him today and I want to see what else is going on with him.

Correct answer = Let me check our list to see if WIC has an MOU with your nursing program and, if so, what information I can release. If none, you'll need to have the parent sign a release that authorizes us to look up and provide the information you're requesting. OK, here's the list...

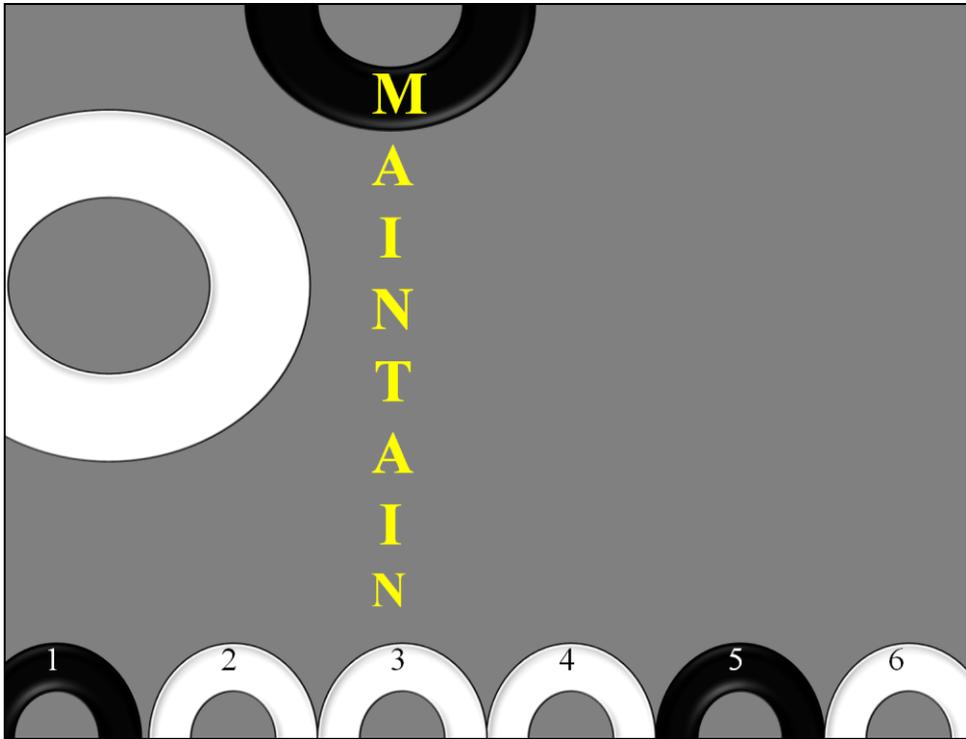


Now, see how this sounds in real life... Listen to some phone calls and front desk conversations, and make some decisions. What should you say?



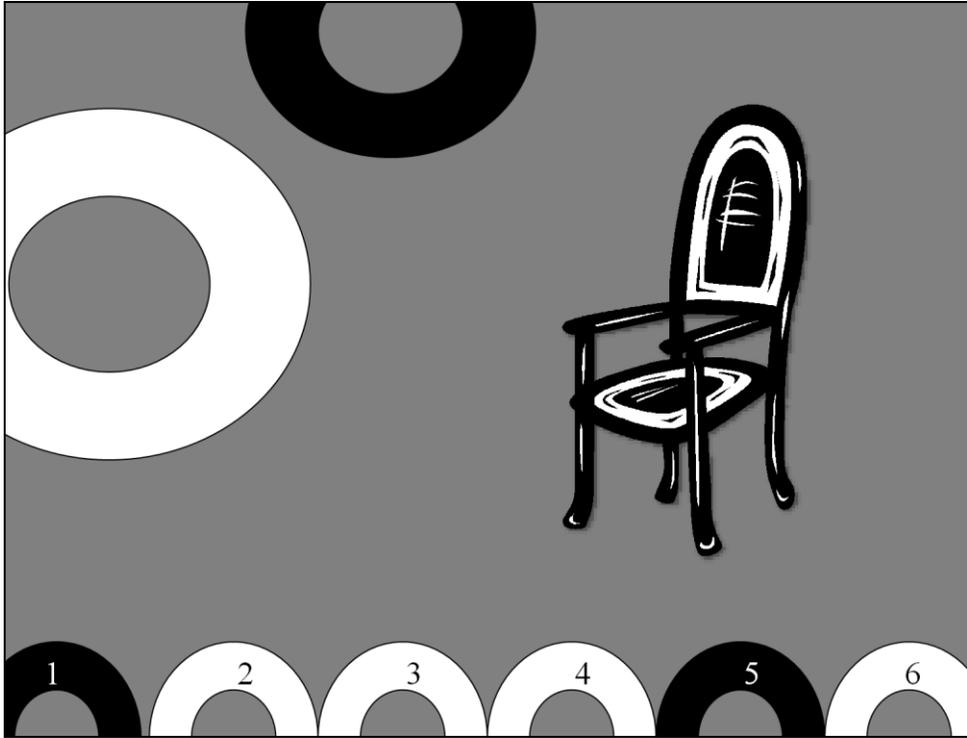
So now that you have heard about confidentiality, think about it!

How can **you** maintain confidentiality of WIC participants on a daily basis?

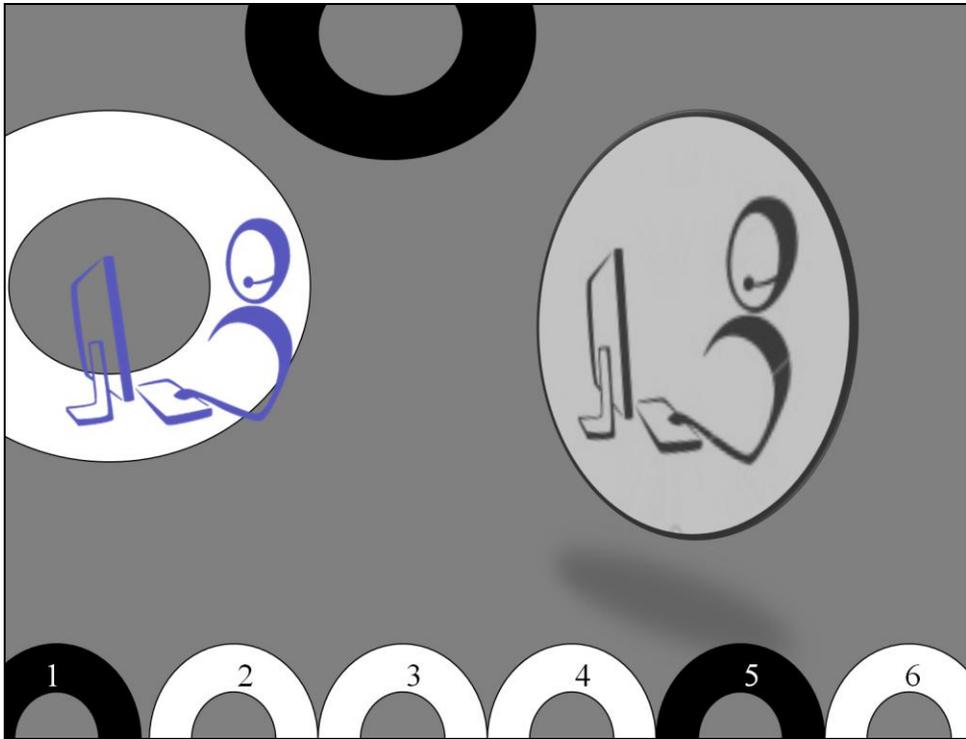


Rollover each number to learn more.

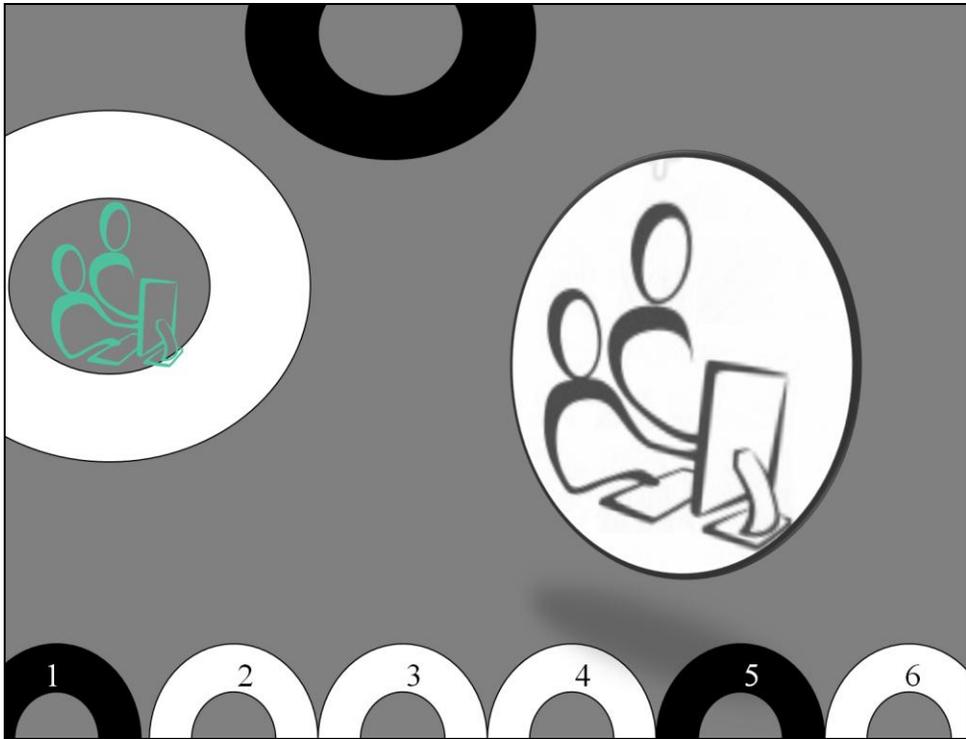
See if you can find some ways to maintain confidentiality.



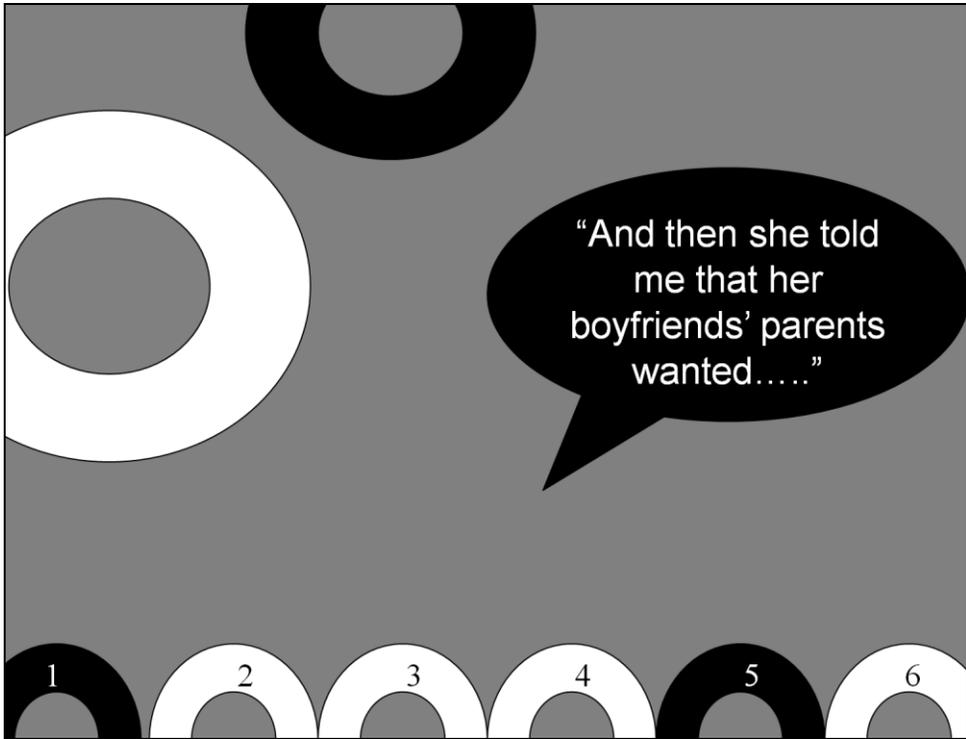
When you call participants in the waiting room: Call them by their first names only.



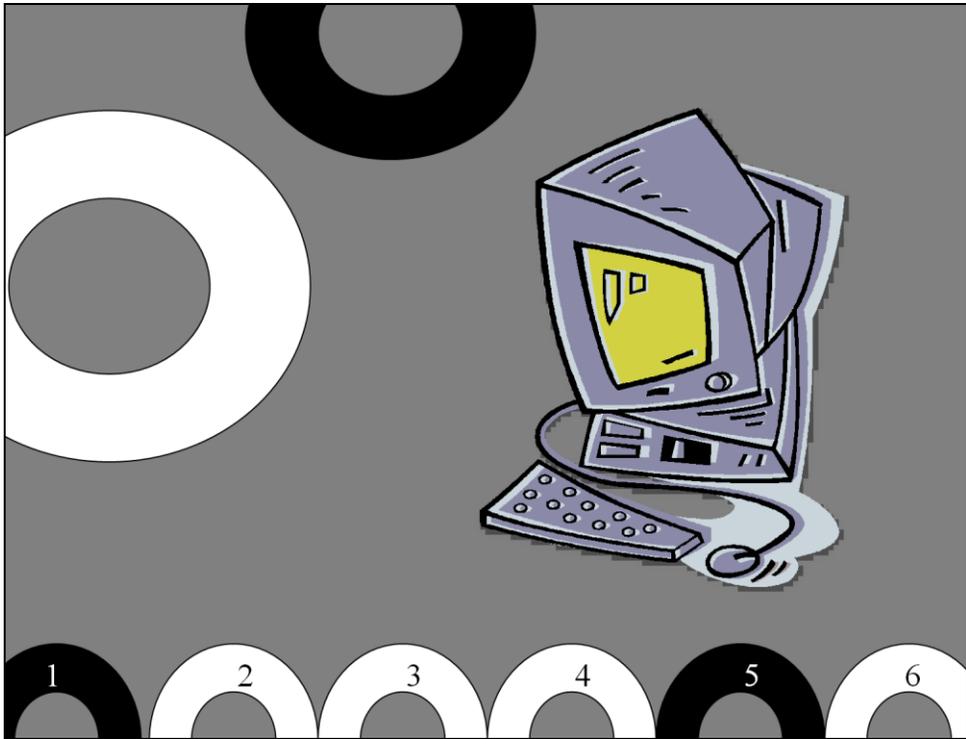
Think about the participant's privacy when they are giving you information: Have dividers, sit in a direction so that the participant's voice projects to you, so that other participants can't overhear.



Consider the angle of your computer monitor and where you put paper forms. Keep these out of view of other participants.

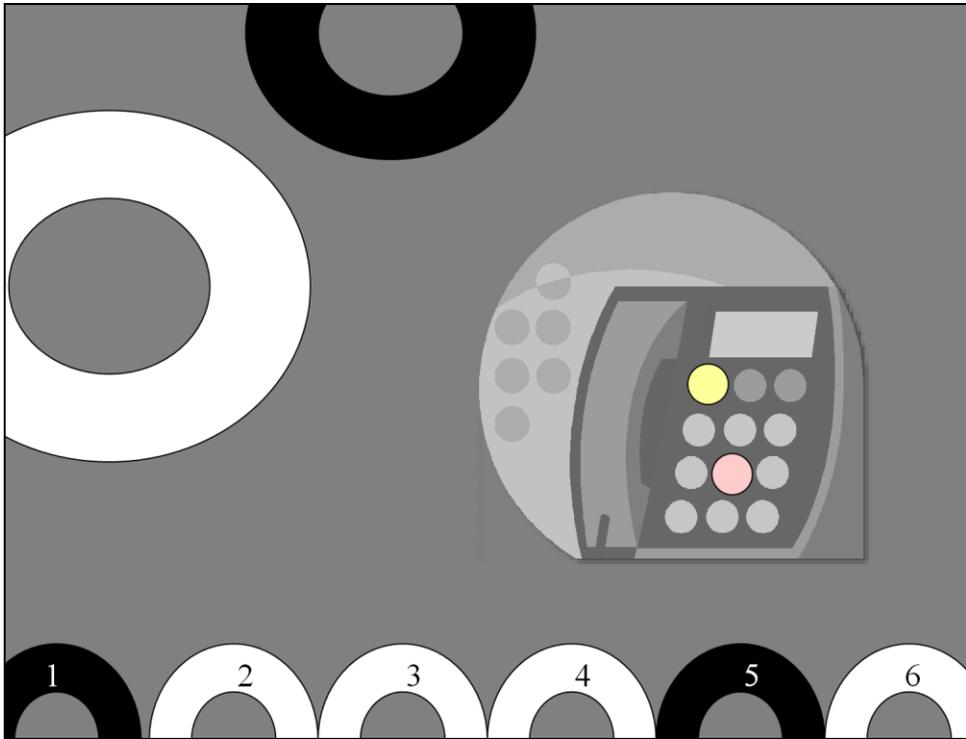


What about talking about a participant within earshot of others? Don't do it!



How about if you design or share WIC reports from the ROSIE system?

You can share non-identifying data, but if the report includes names or information from which a person could be identified, DON'T share the report.

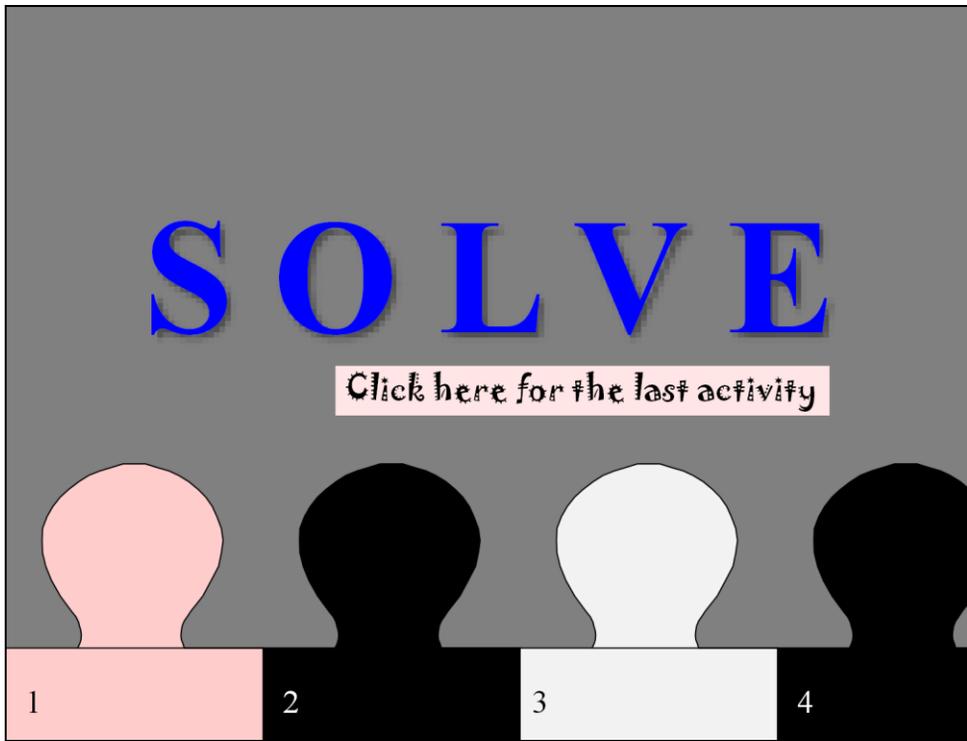


Did you know...ROSIE has a box to check about communications that are not allowed. We have this to prevent, for example, leaving a message for a pregnant teen whose parents don't know she's pregnant and might hear the message.



We have covered the basics – you learned about WIC policies, and about participant access to their own information (and that of their children). You also learned when access or release of information can be done without consent, and when it requires written consent. You heard about some tricky situations and ways that you can maintain confidentiality in your daily work with WIC.

Now.... Let's see how you solve challenging confidentiality situations at your WIC agency.



Solve a few more problems.

Quiz questions

Scenario/Quiz (t/f):

1. Who can access WIC identifying information?
 - Those who administer/enforce WIC Program (including those investigating WIC crimes)
 - WIC volunteers (if access needed and signed statement)
 - Investigators of child abuse
 - WIC staff reporting child abuse
 - Those allowed by State and Local WIC MOUs and if participant informed ahead of time.
2. What would you do if a police officer asked you for an address of a missing person?

Scenario/Quiz (t/f):

1. Who can access WIC identifying information?

- A. Those who administer/enforce the WIC Program (including those investigating WIC crimes)
- B. WIC volunteers (if access needed and signed statement)
- C. Investigators of child abuse
- D. WIC staff reporting child abuse
- E. Those allowed by State and Local WIC MOUs and if participant informed ahead of time.

2. What would you do if a police officer asked you for an address of a missing person?

A - Don't provide it. This is not a WIC crime, so you cannot provide the information.

Quiz questions

WIC participant information that can be **given to others with or without consent.**

Do Not Need Written Consent:

- Those who administer/enforce WIC Program
- WIC Volunteers
- Investigators of child abuse
- WIC staff reporting child abuse
- **Those allowed by** State and Local programs that have MOUs with WIC

Need Written Consent:

- Agency staff not covered by MOUs.
- Parents of teen WIC participants.
- Friends of WIC participants.

WIC participants can access their own information.

T – Request a copy of their file to be sent to a health care provider.

T – Get a copy of their own file.

F – **Obtain** information about them that is provided by WIC staff or others.

T - Review own file or their child's.

Activity 2: Drag and Drop

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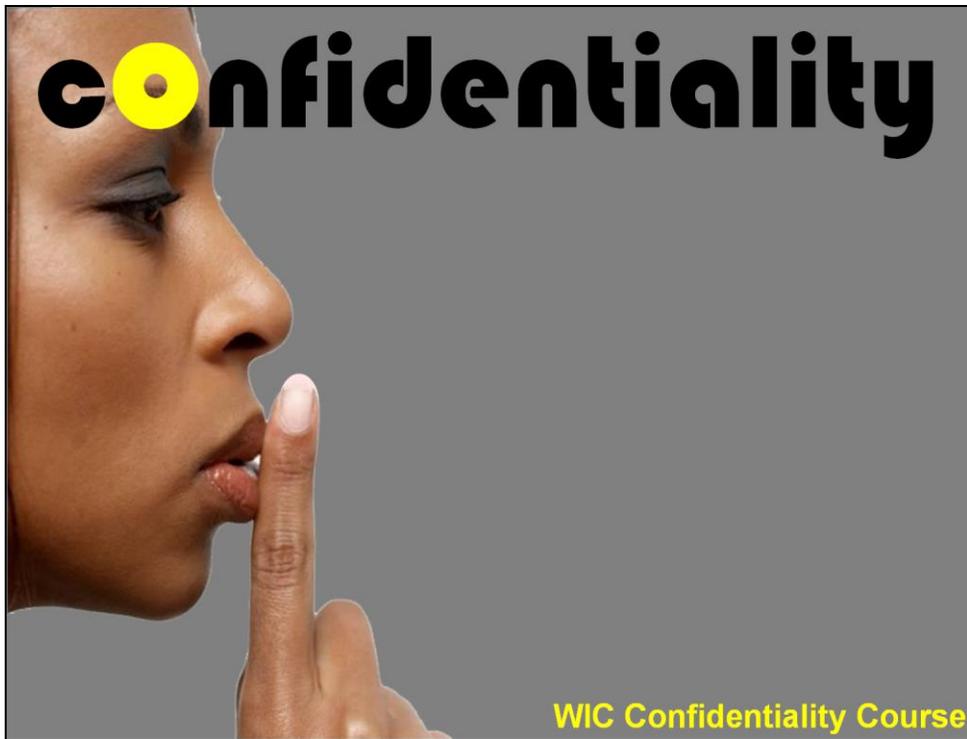


SOLVE
PROBLEMS

- ❖ **REVIEW POLICIES 10.41 AND 5.9**
- ❖ **Contact your WIC Director**
- ❖ **WIC Director may need to get legal advice (share WIC Policy 10.41) and/or contact the State WIC Office**

Good job on the quiz!

Just remember, when in doubt about confidentiality issues, first check the policies. If that doesn't lead you to a solution, contact your WIC Director. If the problem is really complicated, she may have to get legal advice or contact the State WIC Office.



Confidentiality is complicated! Don't feel like you have to remember all this today. The main thing to know is that if anyone wants you to allow access to identifying participant information, ask first!

Shhhhhh.... Let's keep it confidential!



For more information:

http://www.dhs.wisconsin.gov/wic/WICPRO/pdf_files/OpsMan1/policy10-41.pdf

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