

Section II: Local Agency Procedure Manual

VIII. Local Certification, Eligibility and Coordination

C. Confidentiality and Service Coordination

Purpose

To ensure local agencies comply with federal regulations in the handling of confidential information.

Policy

Participant information will be kept confidential in accordance with federal regulations. The MT WIC Program will work with other health programs and services to promote administrative efficiency whenever possible.

1. Participant Information

- Clinic staff are responsible to maintain applicant/participant confidentiality, this includes but is not limited to:
 - Ensuring verbal or written communication about participant's information is private. For example: locking computers when away from desk; not discussing participants openly in clinic or in front of other participants or staff; keeping paperwork hidden from view; and not cross-referencing participant information in family charts.
 - Whenever possible, the local agency will provide separate rooms or private spaces for gathering participant information (income, weight, etc.) and individual counseling. The screening process for WIC eligibility is considered sensitive and privacy is critical.
 - Written communications with participants that include sensitive information (PII, PHI, etc) must occur through state-approved platforms.
- Disclosure of participant information, whether provided by the applicant/participant or observed, is limited to:
 - Persons directly connected with the administration or enforcement of the Montana WIC program, such as WIC employees.
 - Representatives of public organizations designated by the chief health officer which administers health or welfare programs.
 - The State WIC office will enter into a written agreement with each local agency. The agreement will contain a clause regarding understanding that the program will not disclose the information to a third party unless a Memorandum of Understanding (MOU) is in place.
 - The WIC program may also have agreements in place on a national level, which will also be honored in the State of Montana.
 - Entities that the Montana WIC program has MOUs with include:
 - ❖ Supplemental Nutrition Assistance Program-Education (SNAP-Ed)
 - ❖ Immunizations

- ❖ Maternal, Infant, and Early Childhood Home Visiting Program (MIECHV), also known as “Healthy Montana Families” (HMF)
- ❖ Census Bureau
- ❖ Child and Adult Care Food Program (CACFP)
- ❖ Medicaid, Supplemental Nutrition Assistance Program (SNAP), and the Temporary Assistance for Needy Families (TANF) programs, and
- ❖ The Pregnancy Risk Assessment Monitoring System (PRAMS)
- MOUs* may include any or all the following purposes for the agreement, contact the State Office for details relating to the individual agreement:
 - Establishing the eligibility of WIC applicants or participants for the programs that the organization administers.
 - Conducting outreach to WIC applicants for such programs.
 - Enhancing the health, education, or well-being of WIC applicants or participants who are currently enrolled for such programs.
 - Streamlining administrative procedures.
 - Assessing and evaluating the responsiveness of a state’s health system to participants’ health care needs and healthcare outcomes, and/or
 - Share nutrition and health education materials.

*The attachment *WIC Memorandum of Understanding Disclaimer* provides a summary of our current MOUs, whether personally identifiable information may be shared according to the MOU, and their overall purpose. This Disclaimer must be shown to the participant at the signing of the Rights and Responsibilities during each certification.
- The Comptroller General of the United States for audit and examination authorized by law.
- Suspected or Known Child Abuse
 - It is not the intent of this policy to prohibit or restrict the reporting of suspected or known child abuse or neglect. WIC staff are considered mandated reporters and must follow Montana State Law requiring the reporting of known or suspected child abuse or neglect. Providing all details pertinent to the report as requested is allowable.
 - All requests for information received from Child and Family Services, Child Protective Services, or other agency with the same intent, shall be sent to the State Director, or designee, for review and response.

2. Release Forms

- Requests for applicants/participants to sign a *Release of Information (ROI)* will be limited to:
 - An applicant or participant request that information be sent to a third party or an organization (i.e. a doctor, insurance program, school nurse, job service, etc.).
 - Facilitating referral to another program.
 - Signing such a release form may not be a condition of eligibility or participation.

- The participant must agree to a time limit on the release form.
- Locally developed release forms may be used if they contain, at a minimum all the core elements as outlined in the WIC developed ROI.

3. Fax

- Use of a facsimile (fax) machine can compromise the integrity of the medical record and lead to loss of participant confidentiality. The following guidelines apply to transferring participant information via fax.
 - Fax users at both ends of the transaction must know the proper procedures for the handling of confidential materials.
 - Fax only to and from machines located in secure or restricted access areas.
 - Transmit patient data by fax only when the original document or mail delivered copies will not serve.
 - Fax patient health care data only when the information is to be used for a participant care encounter.

4. E-Mail

- Use of e-mail communication can compromise the integrity of a medical record and lead to the loss of patient confidentiality. E-mailed information is considered public record and is not secure; therefore, use of email with confidential and/or personal participant information is prohibited.

5. Volunteers

- It is the responsibility of the local WIC program to exercise discretion in screening and selecting capable volunteers or interns who would have access to confidential information.
- Once volunteers or interns are selected, specific confidentiality requirements governing the WIC Program must be covered in the orientation and training. Local programs will ask volunteers or interns to read and sign a confidentiality agreement.
 - IT system access will only be provided to interns on a case-by-case basis.

6. Auditors

- Official auditors from USDA Supplemental Food Programs, Montana Legislative Division, Department of Public Health and Human Services or those contracted and designated by the local program administration to assure fiscal integrity may have access to confidential participant information in the normal course of performing the review.
- The audit report may not contain identifiable participant information.

7. Authorized Studies

- Provide WIC information requested for an authorized study in a timely manner prior to the deadline or due date.
- Local agencies may request assistance for information required to be submitted that is not available in their typical clinic processes.
- Local agencies may request verification of an authorized study from the State WIC Office.