

Chapter HSS 108**GENERAL ADMINISTRATION**

HSS 108.01 Safeguarded information

HSS 108.02 County responsibilities

HSS 108.01 Safeguarded information. (1) Except for purposes directly related to program administration, the department shall not use or disclose any information concerning past or present applicants and recipients of medical assistance.

(2) Direct administration of the medical assistance program shall include but not be limited to:

- (a) Determining initial or continuing applicant/recipient eligibility.
- (b) Determining appropriate services to be covered.
- (c) Providing services for recipients.
- (d) Processing provider claims for reimbursement.
- (e) Auditing provider claims for reimbursement.

(f) Investigating or prosecuting criminal or civil proceedings conducted in connection with program administration.

(g) Activity determined by the department to be necessary for proper and efficient administration of the medical assistance program.

(3) The department shall request the attorney general to institute appropriate action when necessary to enforce provisions of this section.

(4) Safeguarded information concerning an individual applicant or recipient shall include but not be limited to:

- (a) Name and address
- (b) Social data including but not limited to:
 1. Marital status
 2. Age
 3. Race
 4. Names and numbers of family members
 5. Paternity status of children
 6. Unique identifying characteristics
- (c) Economic data, including but not limited to:
 1. Assets
 2. Amount of assistance received
 3. Amount of medical expenses incurred

4. Sources of payment or support
5. Past or present employment
6. Income, regardless of source
7. Social security number
8. Income expense deductions

(d) Agency evaluation information, including but not limited to:

1. Verification of client information
2. Identity of verification sources

(e) Medical data including but not limited to:

1. Past history and medical record content
2. Diagnosis
3. Drugs prescribed
4. Course of treatment prescribed
5. Name of provider

(5) For purposes of direct program administration, the department may permit disclosure to, or use of safeguarded information by qualified persons or agency representatives outside the department. Governmental authorities, the courts, and law enforcement officers are persons outside the department who must comply with subsection (6) of this rule.

(6) Persons or agency representatives outside the department to whom the department may disclose or permit use of safeguarded information must meet the following qualifications:

(a) The purpose for use or disclosure must involve direct program administration.

(b) The person or their agency must be bound by law or other legally enforceable obligation to observe confidentiality standards comparable to the department's.

(7) Unless related to direct program administration, the department shall respond to a subpoena for a case record or for agency representative testimony regarding an applicant or recipient as follows:

(a) The department shall provide the court and all parties to the proceeding with a copy of the department's rule on safeguarded information.

(b) The department shall request that the attorney general intervene in the proceeding in a manner which will give effect to the department's rule on safeguarded information.

(c) The department shall notify in writing applicants or recipients affected by a subpoena for safeguarded information concerning them.

(8) The department shall publicize its safeguarded information rule as follows:

- (a) Publication in the administrative register.
- (b) Incorporation by reference in certification procedures for all providers.
- (c) Incorporation in information provided to recipients regarding their rights and responsibilities.

(9) The department shall mail or distribute materials to applicants, recipients or medical providers, as follows:

(a) All materials shall be limited to purposes directly related to program administration.

(b) Materials prohibited from mailing or distribution shall include:

1. "Holiday" greetings
2. General public announcements
3. Voting information
4. Alien registration notices
5. Names of individuals, unless:
 - a. The named individual is connected with direct program administration.
 - b. The named individual is identified only in an official agency capacity.
6. Any material with political implications

(c) Materials permitted for mailing or distribution shall include:

1. Information of immediate interest to applicants' or recipients' health and welfare.
2. Information regarding the deletion or reduction of covered services.
3. Consumer protection information.

(10) The secretary or a designee shall determine the appropriate application of this section to circumstances not covered expressly herein. Use or disclosure not expressly provided herein shall not occur prior to such a determination.

History: Cr. Register, December, 1979, No. 288, eff. 2-1-80.

HSS 108.02 County responsibilities. (1) Pursuant to s. 49.45 (2) (a) 3, Stats., county agencies shall be responsible for determination of eligibility for medical assistance. These determinations shall be in conformity with standards for eligibility found in s. 49.19 (11) and 49.47 (4), Stats., and these regulations.

(2) County agencies shall inform recipients of the recipients' rights and duties under the program, including those rights enumerated in HSS 106.04 (2).

History: Cr. Register, December, 1978, No. 288, eff. 2-1-80.