

CR 81-192

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

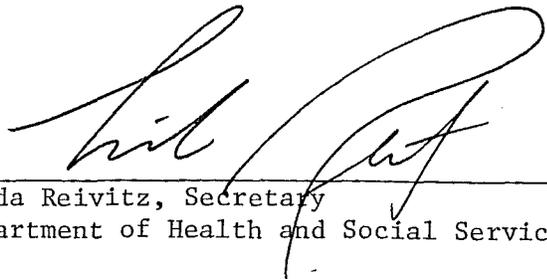
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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Linda Reivitz, Secretary of the Department of Health and Social Services and custodian of the official records of said department, do hereby certify that the annexed rules relating to retention of public assistance records were duly approved and adopted by this Department on February 13, 1984.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 13th day of February, A.D. 1984.



Linda Reivitz, Secretary
Department of Health and Social Services

SEAL:

4-1-84

Order of the
Department of Health and Social Services
Repealing and Adopting Rules

To repeal PW-PA 20.21 and to create HSS 245, relating to rules concerning the retention of public assistance case records and other public assistance records.

Analysis Prepared by the Department of Health and Social Services

Section 59.715(21), Stats., provides that public assistance case records and other record material may be destroyed by counties if no payments are made to recipients for at least 3 years and if certain parts of those records are preserved in accordance with rules of the Department. That statute, as amended by 83 Wisconsin Act 27, further provides that if the Department preserves the case records and other record material electronically, that is, in its computerized system known as the Computer Reporting Network (CRN), counties may destroy the original case records and record material earlier as permitted by the Department through rules.

Current rules for retaining public assistance records, s. PW-PA 20.21, are obsolete because they do not reflect Chapter 221, Laws of 1979, which removed the statutory requirement that certain public assistance records be permanently preserved; they do not reflect the present understanding that no purpose is served by storing most case record material for long periods of time; and they do not take account of the capacity of CRN to electronically store large quantities of case record material. In the absence of replacement rules to permit implementation of the revised s. 59.715(21), Stats., many counties have experienced a critical shortage of storage space because of the accumulation of public assistance records.

Proposed ch. HSS 245 establishes schedules for retaining different types of records for open cases and for closed and denied cases; establishes conditions, in addition to those under s. 889.29, Stats., for replacing original records with microfilm copies; and specifies the proper manner of destroying records.

Pursuant to the authority vested in the Department of Health and Social Services by ss. 49.50(2) and 59.715(21), Stats., the Department of Health and Social Services hereby repeals and adopts rules interpreting s. 59.715(21), Stats., as follows:

SECTION 1. Section PW-PA 20.21 is repealed.

SECTION 2. Chapter HSS 245 is created to read:

CHAPTER HSS 245
PUBLIC ASSISTANCE RECORD RETENTION

- HSS 245.01 Introduction
- HSS 245.02 Definitions
- HSS 245.03 Schedule for retaining records
- HSS 245.04 Microform
- HSS 245.05 Destruction of records

HSS 245.01 INTRODUCTION. (1) AUTHORITY AND PURPOSE. This chapter is promulgated pursuant to s.59.715(21), Stats., which authorizes the department to adopt rules for the preservation of public assistance case records and for the destruction of original case record material when these are retained in the historical files of the department's computer reporting network.

(2) APPLICABILITY. This chapter applies to all paper or microform created or completed to meet the requirements of any public assistance program, except that it does not apply to retention of records covered by an ordinance or resolution of a county with a population of 500,000 or more as provided under s.19.21(5), Stats., nor does it apply to data entered into the department's computer reporting network.

HSS 245.02 DEFINITIONS. As used in this chapter: (1) "Case record" means the most recent data form and a financial record for all payments not on file in the CRN.

(2) "Computer reporting network (CRN)" means the department's computerized system which, using data provided by applicants, electronically determines the eligibility of applicants for public assistance, calculates benefit amounts, produces benefit documents, and electronically retains data in historical files.

(3) "Data form" means the document which the department requires an individual to complete in order to apply for or continue benefits under one or more public assistance programs.

(4) "Date of closing" means the later of either the date on which an application for public assistance benefits is withdrawn or denied, or the date on which the last public assistance benefit is paid to the recipient.

(5) "Department" means the Wisconsin department of health and social services.

(6) "Division" means the division of community services within the department.

(7) "Financial record" means a financial card, ledger sheet, or similar document showing all payments made to, or on behalf of, a recipient of public assistance.

(8) "Income maintenance agency" means any county or tribal agency under contract with the department to administer one or more public assistance programs.

(9) "Microform" means a photographic reproduction in miniature of a document, including but not limited to microfilm, micro-card, microfiche or other miniature photographic process which accurately reproduces, or forms a durable medium for reproducing, the original document.

(10) "Public assistance" means any program of financial assistance to eligible persons administered by an income maintenance agency under the supervision of the division, but for purposes of this chapter "public assistance" does not include general relief programs.

HSS 245.03 SCHEDULE FOR RETAINING RECORDS. (1) OPEN CASES. Records for open cases shall be retained as follows:

(a) All data forms; case determination sheets; worksheets; medical assistance certification sheets; sheets which document the verification of changeable items, such as income or health status; correspondence to and from applicants and recipients; and any other document needed to support income maintenance agency decisions shall be retained to cover the most recent 6-year period.

(b) Sheets which document the verification of unchangeable items such as social security numbers, birth dates, and citizenship shall be retained throughout the period during which the case is open.

(c) A financial record for all payments not on file in the department's CRN shall be continuously maintained throughout the period during which the case is open.

(2) CLOSED CASES AND DENIED CASES. Records for closed cases and denied cases shall be retained as follows:

(a) Records specified in sub. (1)(a) which cover the 6-year period prior to the date of closing shall be retained for at least 36 months following the date of closing.

(b) The most recent data form, the records specified in sub. (1)(b) and (c) and materials relating to any lack of cooperation on the part of a recipient shall be retained for at least 6 years from the date of closing.

(c) The most recent data form and the records specified in sub. (1)(b) shall be retained for at least 36 months from the date of denial.

HSS 245.04 MICROFORM. Any original copies of case records specified in s.HSS 245.03 which have been reproduced on microform may be destroyed at any time as provided under s.889.29, Stats., and requirements of this section.

(1) ACCURATE REPRODUCTION. The contents of the original record shall be accurately reproduced on film.

(2) IDENTIFICATION. Each reel of film, microfiche card, or other microform shall be identified and labeled.

(3) MINIMUM STANDARDS. The film and process used shall meet the minimum requirements of the Wisconsin public records board.

(4) PUBLIC ACCESS. Policies and procedures shall be established by the income maintenance agency to ensure public access to microform records in accordance with ss.19.31 to 19.39, Stats.

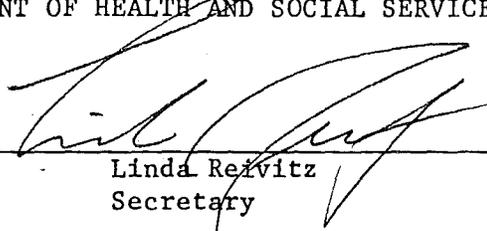
HSS 245.05 DESTRUCTION OF RECORDS. Records created or completed as a requirement of any public assistance program may be destroyed only by burning, shredding, or by another method as effective as burning or shredding.

The repeals and rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s.227.026(1), Stats.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Dated: 2-13-84

By: _____


Linda Reivitz
Secretary

Seal:



State of Wisconsin \ DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1 West Wilson Street, Madison, Wisconsin 53702

Anthony S. Earl
Governor

Linda Reivitz
Secretary

Mailing Address:
Post Office Box 7850
Madison, WI 53707

February 13, 1984

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FEB 14 1984

Revisor of Statutes
Bureau

Mr. Orlan Prestegard
Revisor of Statutes
411 West, State Capitol
Madison, Wisconsin 53702

Dear Mr. Prestegard:

As provided in s. 227.023, Stats., there is hereby submitted a certified copy of HSS 245, administrative rules relating to retention of public assistance records.

These rules are being submitted to the Secretary of State as required by s. 227.023, Stats.

Sincerely,

Linda Reivitz
SECRETARY

Enclosure