

Clearinghouse Rule 00-067


Rules Certificate

STATE OF WISCONSIN)
) SS
DEPARTMENT OF WORKFORCE DEVELOPMENT)

I, Jennifer Reinert, Secretary of the Department of Workforce Development, and custodian of the official records, certify that the annexed rules relating to public assistance record retention were duly approved and adopted by this department on October 11, 2000.

I further certify that this copy has been compared by me with the original on file in this department and that it is a true copy of the original and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the of the Department of Workforce Development at 201 E. Washington Avenue in the city of Madison, this 11 day of October 2000.


Secretary or designee



Order Adopting Rules

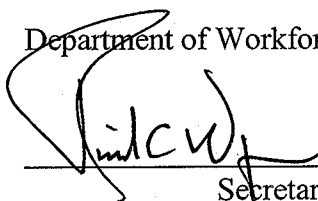
Pursuant to authority vested in the Department of Workforce Development by ss. 59.52(4)(a)18., 49.1433(5), and 227.11, Stats., the Department of Workforce Development repeals rules of Wisconsin Administrative Code chapter HSS 245 and creates rules of Wisconsin Administrative Code Chapter DWD 18, relating to public assistance record retention.

The attached rules shall take effect on December 1, 2000, pursuant to s. 227.22, Stats.

Adopted at Madison, Wisconsin this

Date: October 11, 2000

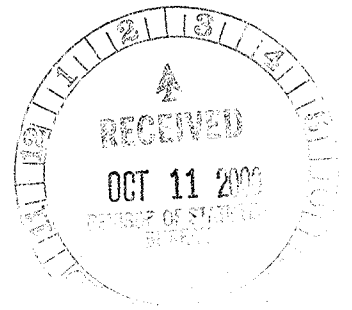
Department of Workforce Development



Secretary or designee



**State of Wisconsin
Department of Workforce Development**



**CHAPTER DWD 18
PUBLIC ASSISTANCE RECORD RETENTION**

The Wisconsin Department of Workforce Development proposes an order to repeal HSS 245 and to create DWD 18.

Analysis Prepared by the Department of Workforce Development

Statutory authority: ss. 59.52(4)(a)18., 49.143(5), and 227.11, Stats.

Statute interpreted: ss. 59.52(4)(a)18. and 49.143(5), Stats.

The proposed rule shortens the retention period for certain public assistance case records from six years after the date of closing to the statutory minimum of three years after the date of closing. This change is proposed to reduce storage costs and was approved by the State Public Records Board in March 1999.

The case records that must be retained for three years after the date of closing are written case comments, medical examination forms, third-party verifications received from outside agencies, child care information, school attendance and financial aid information, and documentation of unusual or unique assets that are difficult to duplicate. Income maintenance agencies may be required to maintain case records until the department permits destruction in cases involving overpayment, fraud, intentional program violation, federal quality control review, or divestment and asset allocation for Medicaid.

Certain records contain information that is duplicated in the department's computer system CARES. This information must be retained until the next certification period or six months after the closing of a public assistance case, including verification of income, assets, rent and utility expenses, and medical expenses and medical insurance coverage. Items that verify Social Security numbers, birth certificates, alien status, and Medicare card must be retained while the case is open.

Original copies of case records reproduced in microfilm, optical disk, or electronic format in accordance with statutory requirements and the requirements of the Department of Administration may be destroyed. The retention requirements in this rule would then apply to the microfilm, optical disk, or electronic format copies.

Destruction of records must be done by a method that renders them unreadable, such as burning or shredding.

SECTION 1. Chapter DWD 18 is created to read:

DWD 18.01. Introduction. (1) **PURPOSE.** This chapter adopts rules for the preservation of public assistance case records and for the destruction of original case record material.

(2) **APPLICABILITY.** This chapter applies to all paper, microfilm reproduction, optical disk, and electronic records created or completed to meet the requirements of any public assistance program.

DWD 18.02 Definitions. As used in this chapter:

(1) “CARES” or “client assistance for reemployment and economic support” means the department’s computerized system which uses data provided by applicants and recipients to electronically determine the eligibility of applicants and recipients for public assistance, calculate benefit amounts, produce benefit documents, and electronically retain data in historical files.

(2) “Case record” means documentation required by statute, rule, or division policy and nonfinancial and financial information not on file in CARES.

(3) “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.

(4) “Department” means the Wisconsin department of workforce development.

(5) “Division” means the division of economic support within the department.

(6) “Electronic format” means a method of, or plan for, creating, generating, transmitting, or storing information in digital or analog form.

(7) “Income maintenance agency” means any county, tribal, or W-2 agency under contract with the department to administer one or more public assistance programs.

(8) “Microfilm reproduction” has the meaning given in s. 16.61(2)(am), Stats.

Note: s. 16.61(2)(am), Stats., provides that “‘microfilm reproduction’ means any manner by which an image is reduced in size and reproduced on fine-grain, high resolution film.”

(9) “Public assistance” means any program of financial assistance to eligible persons administered by an income maintenance agency under the supervision of the division.

DWD 18.03. Schedule for retaining records. (1) If appropriate to determine eligibility for a particular program, income maintenance agencies shall retain items that verify the following while the public assistance case is open:

- (a) Social security number.
- (b) Birth certificate.
- (c) Alien status.
- (d) Medicare card.

(2) The method of verification required under sub. (1) shall be either retention of copies of the items verified under sub. (1) in the case record or documentation with a note in the case comments that an income maintenance worker has seen the item verified. The note shall include the date the item was verified, the worker's initials, the type of item verified, its source, the location of the item verified, and all pertinent information from the item.

(3) Income maintenance agencies shall retain in the case records copies of items that verify the following par. (a) to (d) until the next certification period or six months after closing a public assistance case if the information is duplicated in CARES. If eligibility verification contained in the following items is not duplicated in CARES, the records are subject to the retention requirements of s. DWD 18.03(4).

- (a) Earned and unearned income.
- (b) Assets.
- (c) Residence and rent and utility expenses.
- (d) Medical expenses and medical insurance coverage.

(4) Income maintenance agencies shall retain the following items until at least three years from the date of closing of a public assistance case:

- (a) Written case comments.
- (b) Medical examination forms.
- (c) Third-party verifications received from outside agencies.
- (d) Child care payment calculations, provider payment verification, and receipts.
- (e) School attendance and financial aid information.
- (f) Documentation of unusual or unique assets that are difficult to duplicate.

(g) Other paper case records that are required by ch. 49, Stats., and are not duplicated in CARES.

(5) In cases involving any of the following issues, the income maintenance agency shall retain paper case records until the department instructs the agency that it may destroy the records:

- (a) Overpayment.
- (b) Fraud.
- (c) Intentional program violation.
- (d) Federal quality control review.
- (e) Divestment and asset allocation for medicaid.

DWD 18.04 Reproduction in microfilm, optical disk, or electronic format.

Original case records specified in s. DWD 18.03 may be destroyed at any time if the records have been copied in microfilm reproduction, optical disk, or electronic format and all of the following conditions are met:

(1) **ACCURACY.** Any device used to reproduce the record on film or to transfer the record to optical disk or electronic format accurately reproduces the content of the original.

(2) **MINIMUM STANDARDS FOR MICROFILM REPRODUCTIONS.** The reproduction is on film that complies with the minimum standards established by the Wisconsin public records board and the film is processed and developed in accordance with the minimum standards established by the Wisconsin public records board.

Note: For further information, contact the Wisconsin Public Records Board, 4622 University Avenue, Madison WI 53702, (608) 266-2996.

(3) **MINIMUM STANDARDS FOR OPTICAL DISK AND ELECTRONIC FORMAT.** The optical disk or electronic format copy and the copy generated from optical disk or electronic format comply with the minimum standards of quality established by s. 16.61 Stats., and ch. Adm. 12.

(4) **IDENTIFICATION.** The record is arranged, identified, and indexed so that any individual document or component of the record can be located with the use of proper equipment.

(5) PUBLIC ACCESS. Policies and procedures have been established to ensure public access in accordance with ss. 19.31 to 19.39, Stats.

DWD 18.06 Destruction of records. Destruction of public assistance case records shall be done by a method that renders them unreadable, such as burning or shredding.

SECTION 2. Chapter HSS 245 is repealed.

EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.