



Subject: Management of Medical and Disability-Related Information Policy

Policy No: 2023-02
Effective Date: 2/1/23

Purpose:

This policy addresses the requirements for managing medical records and disability-related information on applicants, registrants, eligible applicants or registrants, participants, and terminees under the Workforce Innovation Opportunity Act (WIOA) umbrella. This includes an outline of permissible uses, filing, and confidentiality requirements.

Background:

Medical and disability-related information for customers should only be collected and used for the purposes of documenting eligibility, where disability is an eligibility criterion for a program or activity, to document reasonable accommodations, and for data analysis. All WIOA partners must ensure that customer medical and disability-related information is collected as outlined by federal law and this information notice.

Operational Procedure

The following instructions serve as guidance for WIOA partners to use in order to meet the requirements related to the management of medical and disability-related information:

A. Securing Medical and Disability-Related Documents/Information

- Medical and disability-related documents must be secured and maintained in a separate and confidential customer file. Medical and disability files should be stored as medical records and separate from all other confidential information (e.g., court documents). Each customer's medical file should be separate (i/e/ medical information for multiple customers should not be kept in the same file).
- Medical and disability-related information in case notes, assessment forms, or other documentation in the Management Information System (MIS) must be secured in a separate and confidential medical file. This is accomplished by copying the specific sheet of the case note file, assessment form, or language in the MIS that contains medical or this disability-related formation, placing it in a separate medical and disability file, then redacting the medical and disability-related information in the case notes, assessment form or language in the MIS and inserting 'See separate confidential file.'
- Partner staff co-located at a center should place their medical and disability-related information with that of the center or send it to their main office (WorkSource Columbia Basin) for similar storing. If medical files are maintained in power, they should be kept in a locked cabinet with limited access and separate from other file types maintained for the customer. Please note that medical and disability-related information should not be stored on staff desks. If medical files are maintained electronically, they should be secured in a password-protected file, or access to the electronic file location should be limited and separate from other file types.
- To ensure confidentiality, there should be limited access to the medical and disability file. Individuals monitoring for compliance with 29 CFR Part 32 and 38 may have access for monitoring purposes.

B. Recording of Medical or disability Related Information

- The information of value to staff is most often the limitations caused by a customer's disability or medical condition and the effect on the customer's ability to advance through the program, as opposed to a disability or medical diagnosis. It is possible to record relevant information without documenting actual medical or disability-related information.

Here are examples of information that is **not considered medical or disability-related** to secure and maintain:

"The customer cannot lift more than 20 pounds"; "cannot sit for more than an hour"; "must take frequent breaks or must take breaks at least every hour"; "must be located in a quiet room with few interruptions"; "cannot drive in mornings until 9 a.m."; "will be unavailable during the next six weeks"; etc.

Here are examples of information that is **considered medical/disability information** and must be secured:

"The customer has a herniated disk," "stage 2 abdominal cancer", "Crohn's disease," "seasonal affective disorder," "hypertension," "diabetes," "a fractured tibia," "mild depression," etc.

- Medical and disability-related information can be acquired during the delivery of case management services but should then be stored securely. This information should be kept confidential and not be shared with employers, other customers, immediate co-workers, or those providing labor exchange and job matching services. It may be appropriate to discuss a customer's disability or medical condition in

limited circumstances and at the customer's request, such as with program supervisors or trainers to explain reasonable accommodations or with first aid and safety personnel if the customer asks us to because the condition may require emergency treatment.

C . Records Retention

Medical files, whether they exist in electronic form (including email) or hard copy, must be maintained in a separate confidential file for a period of **not less than six years** from the close of the applicable program year.

References

- [WIN 0023 Change 2](#)
- [The Washington State Nondiscrimination Plan Element 5.](#)
- [The Americans with Disabilities Act, as amended, 28 CFR Part 36.](#)