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STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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ARNOLD SCHWARZENEGGER
GOVERNOR

November 23, 2010

ALL COUNTY INFORMATION NO. I-97-10

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALFRESH COORDINATORS
ALL CalWORKs PROGRAM SPECIALISTS
ALL COUNTY REFUGEE COORDINATORS
ALL COUNTY SPECIAL INVESTIGATIVE UNIT COORDINATORS
ALL COUNTY CONSORTIUM PROJECT MANAGERS

SUBJECT: ACCESS TO PUBLIC ASSISTANCE CASE RECORDS REGULATION
HEADING

REFERENCE: ALL COUNTY LETTER NO. 09-50, MANUAL OF POLICY AND
PROCEDURES SECTION 19-005.4, WELFARE AND INSTITUTIONS
CODE SECTIONS 10850.2 AND 11206

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

The purpose of this notice is to inform County Welfare Departments (CWDs) of a change of heading to the Manual of Policy and Procedures (MPP) Section 19-005.4. This All County Information Notice (ACIN) is a follow-up to the previously issued All County Letter 09-50, dated September 30, 2009, which reminded CWDs of state requirements that CWDs provide clients and/or their authorized representatives (ARs) unrestricted access to non-privileged or non-confidential information in public assistance case records. CWDs shall provide, at request, a copy of its written policy regarding copying fees or other incidental costs that may be incurred by the client in accessing their case records.

The heading of MPP Section 19-005.4 that addresses this right, previously stated “Release of Information in Conjunction with a State Hearing” which implied that case file information could only be provided in the event of a state hearing. However, the regulation itself did not establish any limitation on an applicant/recipient’s right to access the case information. To correct this inaccuracy and to ensure consistency with the Welfare and Institutions Code (WIC) Sections 10850.2 and 11206, the heading of this regulation section has been changed to “Access to Case Records.”

The attached final regulation was approved by the Office of Administrative Law, filed with the Secretary of State and became effective on June 2, 2010. Since this change had nonregulatory effect, a public hearing was not held.

ALL COUNTY INFORMATION NO. I-97-10

Page Two

The updated regulation and Eligibility and Assistance Standards manual letter No. CFC-10-02 has been posted on the California Department of Social Services' Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG604.htm>.

If you have questions regarding this notice, please contact your CalWORKs county consultant directly or call the CalWORKs Eligibility Bureau at (916) 654-1322.

Sincerely,

Original Document Signed By:

KÄREN DICKERSON, Chief
Employment and Eligibility Branch

Attachment



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Regulation Package #0110-01

CDSS MANUAL LETTER NO. CFC-10-02

TO: HOLDERS OF THE CONFIDENTIALITY, FRAUD, CIVIL RIGHTS AND STATE HEARINGS MANUAL, DIVISION 19

Regulation Package #0110-01

Effective 6/2/10

Sections 19-005

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG604.htm>

CalWORKs applicants and recipients are entitled to review information contained in their case files at any time. The title of the Manual of Policies and Procedures, Section 19-005.4 that addresses this right, currently states "Release of Information in Conjunction With a State Hearing" which implies that case file information can only be provided in the event of a state hearing. However, the regulation itself does not establish any limitation on an applicant/recipient's right to access the case information. To correct this inaccuracy and to ensure consistency with Welfare and Institutions Code Sections 10850.2 and 11206, the title of this regulation section is being changed to "Access to Case Records."

Since this change had nonregulatory effect, a public hearing was not held.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Confidentiality, Fraud, Civil Rights, and State Hearings Manual changes was CFC-10-01.

Page(s)

Replace(s)

1 and 2
13 and 14

Pages 1 and 2
Pages 13 and 14

Attachments

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**CONFIDENTIALITY OF INFORMATION
CONFIDENTIALITY OF RECORDS**

TABLE OF CONTENTS

CHAPTER 19-000 CONFIDENTIALITY OF RECORDS

	Section
Confidentiality of Records - Objective and Scope.....	19-001
Information that Is Confidential.....	19-002
General1
Federal Tax Information2
Nonconfidential Information	19-003
Release of Confidential Information.....	19-004
General Rule.....	.1
Contractors2
Public Officials.....	.3
Exception to General Rule - Law Enforcement Officials4
Release of Confidential Information in Conjunction with a Lawsuit5
Release to Schools.....	.6
Disclosure to Parents Who Wish to Be Reunited with Their Family7
Release to Research Organizations8
Release to Applicant/Recipient or Authorized Representative	19-005
Information Supplied by the Applicant/Recipient1
Authorizations2
Applicant/Recipient Written Requests for Assistance to Legislators.....	.3
Access to Case Records.....	.4
Information Which May not Be Released to the Applicant/Recipient.....	19-006

**CONFIDENTIALITY OF INFORMATION
CONFIDENTIALITY OF RECORDS**

TABLE OF CONTENTS (Continued)

CHAPTER 19-000 CONFIDENTIALITY OF RECORDS

	Section
Eligibility Determinations.....	19-007
Collateral Contacts in AFDC and APSB.....	.1
Title XX Services - Outside Contacts by Agencies Other than the County Welfare Department.....	.2
Record Keeping	19-008

19-005 RELEASE TO APPLICANT/RECIPIENT OR AUTHORIZED REPRESENTATIVE 19-005

.1 Information Supplied By the Applicant/Recipient

Information relating to eligibility that was provided solely by the applicant/recipient contained in applications and other records made or kept by the county welfare department in connection with the administration of the public assistance program shall be open to inspection by the applicant/recipient or his/her authorized representative.

.2 Authorizations

For purposes of this section, an authorized representative is a person or group who has authorization from the applicant/recipient to act for him/her.

.21 Written Authorizations

Except, as otherwise provided, all authorizations are to be written.

Written authorizations shall be dated and shall expire one year from the date on which they are given unless they are expressly limited to a shorter period or revoked. In cases involving pending appeals or state hearings, the time period, unless the authorization is expressly limited or revoked, shall extend to the final disposition of the issue involved in the fair hearing or, where applicable, by the courts.

When the authorized representative and the applicant/recipient, or responsible relative caring for the CalWORKs child are both present, no written authorization is required for that particular occasion.

.22 Telephone Authorizations

Telephone authorizations may be accepted in lieu of a written authorization where the circumstances insure that the applicant or recipient has adequately identified himself or herself to the county. A telephone authorization is temporary and should be followed up by a written authorization.

Acceptable items of identification are to be determined by the county but may include such items as case numbers, driver's license numbers, social security account numbers or the mother's maiden name. The procedure for telephone authorizations will usually involve the applicant or recipient first calling their eligibility worker and notifying the worker of whom will be calling on their behalf. This call will authorize the release of confidential information. Examples of typical circumstances for releasing confidential information by telephone authorization include inquiries from medical offices, welfare rights organizations or legislators calling on behalf of the recipient.

NOTE: Authority cited: Sections 10063(b), 10053 and 10554, Welfare and Institutions Code. Reference: Section 10063(a), Welfare and Institutions Code.

19-005	RELEASE TO APPLICANT/RECIPIENT OR AUTHORIZED REPRESENTATIVE (Continued)	19-005
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.3 Applicant/Recipient Written Requests for Assistance to Legislators

Written inquiries to members of legislative bodies signed by applicants or recipients of public social services concerning the receipt of public social services may serve as authorization for release of information sufficient to answer such an inquiry.

.4 Access to Case Records

The applicant/recipient or his/her attorney or authorized representative may inspect the case records including the entire case narrative relating to the applicant or recipient which are held by DSS, DHS, or any agency supervised by DSS with the following exceptions listed below in Section 19-006.

NOTE: Authority cited: Sections 10063(b), 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10063(a), 10850.2, and 11206, Welfare and Institutions Code.

19-006	INFORMATION WHICH MAY NOT BE RELEASED TO THE APPLICANT/RECIPIENT	19-006
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Privileged Communications

Portions of the applicant/recipient's record which would qualify as privileged communications as defined by the Evidence Code. This would include Sections 954 (lawyer-client), and 1041 (identity of informer).

NOTE: The physician-patient privilege in Evidence Code Section 990, et seq., belongs to the patient and may be waived by him/her. The right of the patient to inspect his/her records is confined to record maintained by the CWD and does not extend to the records kept by the physician.

19-007	ELIGIBILITY DETERMINATIONS	19-007
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.1 Collateral Contacts in CalWORKs and APSB

Pursuant to EAS Sections 40-157.22 and 40-181.31 individual consent forms, signed by the applicant or recipient are required for each contact made during the evidence gathering process. An exception to this rule is found in MPP Section 20-007.36 which exempts SIUs from the requirement of permission to contact collateral sources.

NOTE: Authority cited: Sections 10063(b), 10553 and 10554, Welfare and Institutions Code. Reference: Section 10063(a), Welfare and Institutions Code.