



Policy Number: WIOA #21

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Supersedes: FLOP 17 Medical and Disability Information Policy (May 6, 2022)

Workforce Innovation & Opportunity Act Policies

Medical & Disability-Related Information

Reference:

- [5.7.1 Collection and Maintenance of Medical and Disability-Related Information](#)

Any medical or disability-related information obtained about an individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. This applies to information collected for purposes of establishing eligibility and to employee personnel files.

All questions pertaining or alluding to an individual's disability, including the basic, "Do you have a disability, Yes/No" question or disclosures of SSDI as a potential source of income must be asked on a separate form. If ASSET information is printed for the file, such as the Manage Programs attestation printout, all disability sections are to be redacted before the document is placed in the participant file.

Medical and disability-related information must be maintained in a separate, secure location, such as a locked physical file, or a password-protected electronic record. The local WDB must have a policy that includes guidelines for storing information in a manner that ensures this information is kept confidential. Maintaining medical and disability-related information in a sealed envelope in a locked drawer that is different from the location of the participant file would meet this compliance requirement.

Access to the medical file must be limited; only persons in the following categories may be informed about the individual's disability or medical condition and access the medical file:

- program staff who are responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity;
- first aid and safety personnel in the event of an emergency; and
- local, state, and federal monitors.

Supervisors, managers, and other necessary personnel may be informed of restrictions on the activities of individuals with disabilities and regarding reasonable accommodations for such individuals but may not have access to information in medical files.

Medical and disability-related information that is acquired during the delivery of case management services must also be stored securely. WIOA Service Provider staff are required to make the ASSET case notes containing information about medical or disability status confidential and redact such information from any paper documents. If any documentation is received and not needed, staff must return the document to the participant, or shred it, after recording any necessary information in a confidential ASSET case note.

It is recommended that, whenever possible, WIOA Service Provider staff record relevant information about the **effects** of an individual's medical impairment, rather than his or her actual medical diagnosis. For example, career planners can record the following information without disclosing an individual's medical or disability-related information:

- cannot lift more than 20 pounds;
- cannot sit for more than an hour;
- must take frequent breaks; and
- will be unavailable during the next six weeks.

Examples of medical/disability information that must be secured separately, include, but are not limited to items such as:

- pregnant;
- headaches;
- depression;
- addiction; and
- diabetes.

It is required that all discussions between career planners and individuals are conducted confidentially. WIOA Service Provider staff working with individuals with disabilities must obtain permission from the individual before disclosing information about his or her disability with others. This policy does not limit an individual's voluntary disclosure of medical and disability-related information.

WIOA Service Provider Process:

1. The Income Statement and Medical/Disability Supplemental Form will be completed for every applicant, whether or not a disability is disclosed.
2. This form will be kept in a sealed envelope in a separate, secure location, such as a locked physical file, or it may be kept in a password-protected electronic record.
3. This form will be uploaded to ASSET Documents for all participants as part of the initial file upload.
4. The uploaded form will be marked "Confidential" in ASSET Documents.
5. If any documentation is received from the applicant, disclosing a disability or medical condition, and not needed, staff must return the document to the participant, or shred it, after recording any necessary information on the

Income Statement and Medical/Disability Supplemental Form and in a confidential ASSET case note.

Babel Notice

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