

DISABILITY BENEFIT SPECIALIST CONFIDENTIALITY POLICY		
Policy #: 13-01;13-02	Date of Approval: 6-24-2016	Date Policy is Effective: 6-24-2016
Responsible Person: <i>Regional and Office Managers</i>		Author – <i>Becky Dahl, Regional Manager</i>
Reference: DBS policies and procedures explain the confidentiality requirements, which are also codified in the WI. Admin. Code DHS 10.23(2)(d)2 ; E-mail Shelly Fox 2/23/2017 attachment		Approved By: ADRC of Eagle Country Governing Board
Cross Reference: Confidentiality Policy		

Policy:

Confidentiality of Disability Benefit Specialist Services and Confidentiality of Program Attorney Services

1. The confidentiality standards for DBS services derive from the Wisconsin Administrative Code and the Wisconsin Supreme Court Rules of Professional Conduct for Attorneys.

a. Wisconsin Administrative Code DHS 10.23 Standards for performance by ADRCs

... (2)(d)2. "...a benefit specialist may not disclose information about a client without the informed consent of the client, unless required by law. A disability benefit specialist may also disclose information about a client without the informed consent of the client as permitted under s. 55.043 (1m) (br), Stats., if there is reasonable cause to believe that the adult at risk is at imminent risk of serious bodily harm, death, sexual assault, or significant property loss and is unable to make an informed judgment about whether to report the risk or if an adult at risk other than the subject of the report is at risk of serious bodily harm, death, sexual assault, or significant property loss inflicted by a suspected perpetrator."

b. Wisconsin Supreme Court Rules of Professional Conduct for Attorneys SCR 20:1.6 Confidentiality of Information

"...(a) A lawyer shall not reveal information relating to representation of a client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation ..." This confidentiality provision applies when the DBS is providing support to the program attorney or a private "compensated" pro bono attorney who is in turn providing direct legal services to an individual.

References

1. **DBS Program Guidelines**
 - **DBS Program Policies and Procedures**

Answer below received for the What to do with records stamped 'do not distribute' from Shelly Fox [February 23, 2017](#)

Also that submitting documents to DDB per new requirements are:

- **Claimants and 1696 representatives have two duties: (1) a duty to inform; and (2) a duty to submit evidence**
- **What are the best practices when the DBS is not the 1696 representative?**

As stated many times in the rule, if the DBS is not the 1696 representative, the duties described in the rule apply to the claimant.

However, if the claimant tells the DBS about any evidence related to the claim, the best practice is for the DBS to explain to the claimant what it means for evidence to relate to the claim. The DBS should also explain that the claimant has a duty to either inform SSA about the evidence that relates to the claim or to submit all evidence received, in its entirety, from third party sources.

The DBS should also decide in his or her own mind whether he or she believes the evidence relates to the claim. If the DBS later discovers that the claimant did not inform SSA about or submit evidence the DBS believes should have been submitted, then the DBS should discuss this with the claimant. The DBS may want to assist the claimant with informing SSA about the evidence or with submitting the evidence to SSA. However, if the claimant insists on not submitting the evidence to SSA, the DBS may be required to terminate assistance