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## General Information Memorandum

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ISD-GI-14-24

TO: All ISD Staff  
FROM:  Marilyn Martinez, Acting Director, Income Support Division  
RE: Conflict of Interest Concerning Application Processing and Maintenance with Security Procedures for Handling Information  
DATE: July 22, 2014

This memorandum rescinds ISD-GI-07-74 and ISD-GI-09-26 and provides guidance to all ISD staff concerning procedures for appropriate handling of cases of relatives, friends and associates of Human Service Department (HSD) Employees. This memorandum also defines unauthorized searches of confidential information contained in state databases or other privileged state resources.

1. An HSD employee is defined as: a state employee, wage subsidy employee, work experience participant, or New Mexico Works (NMW) contractor.
2. A family member of an HSD employee is defined as: any blood or step related family member.
3. A friend is defined as a person other than a family member with whom the current employee has shared a close working or personal relationship, currently or in the past. This memorandum applies to handling cases for former HSD employees who apply for assistance at HSD, with whom the current employee share(d) a close working or personal relationship.
4. An associate is defined as an acquaintance or affiliate who is known to the employee but is not a close friend or relative. An employee may not search databases or other privileged state resources to gain knowledge of confidential information for personal gain. An employee may not provide any confidential information for personal gain.
5. Unauthorized research of confidential information is defined as the diligent and systematic inquiry or investigation of an individual or household, using state or federal databases or other privileged government resources, in order to discover facts or theories about that individual or household. Unauthorized searches could include, but are not limited to, using any databases or records that are available to HSD employees in order to obtain information that is not directly related to the HSD employee's assigned case duties.

It is the responsibility of the HSD employee to make known to a supervisor or County Director (CD) any connections of relationship or associations with persons who apply for or receive HSD services so that procedures may be followed to avoid any appearance or practice of impropriety or conflict of interest. If an HSD employee is unsure of how to handle a situation that poses a risk that may violate security procedures, the employee is to bring the matter to the supervisor, CD, Bureau Chief or Director for guidance, prior to taking any case action.

HSD employees shall not access, process, or change any family members' or friends' case. This includes, but is not limited to, ASPEN, CSED/ISD/Medicaid/Works Programs information, DWS, SDX, NM Interactive, 40 Quarters Interface, SVES, FIS EBT Web Administrator, SOLQ, JPMorgan EBT Web Admin, and SAVE databases and/or Income and Eligibility Verification System (IEVS) that are not directly related to an employee's caseload or that is not necessary to complete the assigned functions of the employee's job.

**HSD employees are prohibited from using state or federal databases and/or any other privileged resources to look up any of their own personal information.** If the employee would like any information regarding their own case or application for benefits, they must request that information from the caseworker, supervisor, or CD that has been assigned to handle the case.

**An HSD employee is prohibited from using their position within the agency to influence or alter outcome of their own application for benefits.** An HSD employee that applies for, or receives benefits from, programs administered by HSD is subject to the same rules of processing and eligibility as any other client, and is not to be given special treatment or consideration because of their position at HSD.

Federal Tax Information (FTI) refers to any tax return information, estimated tax declaration, or refund claim including amendments, supplements, supporting schedules, attachments or lists required by or permitted under the Internal Revenue Code (IRC) and filed by, on behalf of, or with respect to any person. As outlined by ISD-GI-1402, New Mexico ISD does not authorize the reproduction or printing of any screen that contains FTI. At any time an employee of the Human Services Department/Income Support Division (HSD/ISD) utilizes FTI, that employee is bound to client confidentiality laws set forth in state and federal laws. If FTI is commingled with non-tax return information, the commingled information assumes the identity of tax return information and must be safeguarded accordingly. Returns and return information, including all information from FTI reports, are considered confidential information. As such, this information is protected from disclosure in HSD's Code of Conduct. Any willful, or by reason of gross negligence, unauthorized disclosure, inspection, or solicitation of returns or return information is a violation of HSD's Code of Conduct. Any violation of HSD's Code of Conduct shall be cause for dismissal, demotion or suspension. Additional information regarding procedures for handling FTI is available in ISD-GI-14-02, "Security Procedures for Handling Internal Revenue Service (IRS) Information".

#### **Employee Restrictions:**

1. No HSD employee may be an authorized representative for any other individual receiving benefits from programs administered by ISD without prior written permission from their CD, Bureau Chief or Director and have completed a signed document signifying the employee as an authorized representative.

2. No HSD employee may be issued an EBT card for any individual receiving benefits from programs administered by ISD without written permission from their CD or Bureau Chief.
3. If a HSD employee uses a family member or friend's EBT card to purchase food or other products while the client is incapacitated, institutionalized, or otherwise unable to use their EBT card, the employee must report their actions to their CD or Bureau Chief.
  - a. The employee must have completed a document from the program participant signifying the employee as an authorized representative.
  - b. A HSD employee must report the emergency use of an EBT card for a friend or family member no later than the next business day, or prior to use if the circumstances surrounding the use are known beforehand.
  - c. Under no circumstances shall an EBT card be issued to a CD for any individual receiving benefits from programs administered by ISD in a case that does not include themselves in the benefit group.
4. Making print screens containing FTI is strictly prohibited. Any notes containing tax return data must be secured each evening to locked files. Transcription of FTI is strictly prohibited. Do not copy or document any portion of FTI into any electronic format including, but not limited to, e-mail correspondence, facsimile, text or Word document, Excel spreadsheet, or in any comment or remarks field in ASPEN. Further guidance on security procedures for handling IRS information is provided in ISD-GI-14-02.

#### **Supervisory Responsibility:**

1. Any supervisor handling the case (interview, processing and maintenance) of an office employee or their relative must be in a different unit from the employee. If there is only one supervisor in the office the case must go to the CD, Bureau Chief or Director.
2. Any case of an employee's friend or family member must be handled by a caseworker in a different unit. If there is only one unit in the office the case must go to the CD, Bureau Chief or Director.
3. If an employee of the NMW program contractor requests benefits, a supervisor in the ISD office must handle all aspects of the NMW program contractor's case, including processing the contractor's application, conducting all interviews, and case maintenance.
4. All aspects of any wage subsidy employee's case must be handled by a supervisor other than their own, including processing the wage subsidy employee's application, conducting all interviews, and case maintenance. If there is only one supervisor in the office the case must go to the CD, Bureau Chief or Director.
5. An employee applying for nursing home benefits for a parent or relative must go to the designated supervisor of the Institutional Care Program regardless of unit assignments.
6. All medical travel reimbursements must be handled by a supervisor unless the supervisor is the recipient or is related to or friends of the recipient. Such cases will be handled by the CD, Bureau Chief or Director.

#### **CD's Responsibility:**

1. Handle all applications for supervisory personnel for any type of assistance other than institutional care and waivers.
2. Handle all reviews and maintenance on any active category for supervisory personnel.
3. Ensure staff is trained in accordance with security procedures for confidential information and that the procedures are followed.

### **Unauthorized Research & Browsing of Confidential Information:**

The researching or browsing of any confidential information pertaining to any individual or household's state records including, but not limited to, ASPEN, CSED/ISD/Medicaid/Works Programs information, DWS, SDX, NM Interactive, 40 Quarters Interface, SVES, FIS EBT Web Administrator, SOLQ, JPMorgan EBT Web Admin, and SAVE databases and/or Income and Eligibility Verification System (IEVS) that are not directly related to an employee's caseload or that is not necessary to complete the assigned functions of the employee's job, **is strictly prohibited.**

Some examples of unauthorized browsing of confidential material are:

- An employee looks up the names of people who live in the employee's neighborhood to verify household members, income and resources because the employee suspects that there may be fraud or other possible violations being committed.
- An employee looks up the names of past school friends to see if they are receiving assistance programs.
- An employee is asked by a family member, friend or affiliate to provide the contact information for someone so the employee searches in the state database to obtain the information.
- An employee looks up family members, friends or acquaintances to check on the status of their application or case.
- An employee takes action on their own, a family member, friend or acquaintance application, case or recertification.
- An employee prints correspondence for a family member, friend or acquaintance.

**Any employee who violates any procedure mentioned in this GI is subject to disciplinary action up to and including dismissal.**

For additional information regarding conflict of interest, disclosure or misuse of confidential or official information, or abuses of office, please see HSD's Code of Conduct (effective March 24, 2009) in 041.7.2, 041.8, and 0471.1. It is recommended that all HSD employees read the entire HSD Code of Conduct. HSD's Code of Conduct can be viewed on-line at:

<http://www.hsd.state.nm.us/pdf/041CodeofConduct.pdf>.

If there are further questions regarding this GI, please contact your ROM.