

# STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC ASSISTANCE

SARAH PALIN, GOVERNOR

FAMILY NUTRITION PROGRAMS - WIC  
130 Seward Street, Room 508

P.O. BOX 110612

JUNEAU, AK 99811-0612

PHONE: (907) 465-3100 FAX: 465-3416

Reply to: **All Local Agencies Memorandum No-08-09**

**Date:** May 15, 2008

**TO:** X-LA WIC Coordinators  
X-Satellites

**FROM:** Kathleen Wayne  
State WIC Manager

**Information- X**

**Policy- X**

**Action- Immediately**

Routine (email and hard copy) - X

Urgent (fax and hard copy)-

**SUBJECT:** Clarification on HIPAA requirements for WIC agencies

After the FY 2006 State Technical Assistance Review by USDA, the following clarification was provided for Alaska WIC grantees regarding the Health Insurance Portability and Accountability Act (HIPAA) requirements.

*Grantees participating in the Alaska Women, Infants, and Children Supplemental Nutrition Program are expected to comply with Grant Award document, Appendix C; 7 C.F.R., part 246.7 (i)(11); 246.26(d); and State Statutes 7 AAC 78.250 regarding client confidentiality.*

*Confidential client information, whether electronic or paper, should be retained and protected in a safe and secure manner.*

*If you as a WIC grantee are not a covered entity under HIPAA (that is you are not a health care provider that submits health information electronically in compliance with HIPAA's transactions and codes set regulations), Appendix C in no way intends to subject your organization to HIPAA. Neither does it subject your organization to 42 C. F. R. Part 2 if you are not a substance abuse treatment program. As you are aware, WIC regulations directly govern the confidentiality of client records and those are the regulations your organization should apply.*

*If as a WIC grantee, you are part of a larger organization that is a HIPAA covered entity or that also operates a substance abuse treatment program, we request that you consult your legal counsel and determine the best course to following when exchanging information permitted by the WIC confidentiality regulations. At no point, however, may WIC grant funds be utilized to implement and enforce HIPAA or 42 C.F.R. Part 2.*

Attachments: SS 7 AAC 78.250  
7 CRF 246.26(d)  
7 CFR 246.7(i)(11)  
Appendix C