

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General



June 4, 2010

The Honorable Adrian M. Fenty
Mayor
District of Columbia
Mayor's Correspondence Unit, Suite 316
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

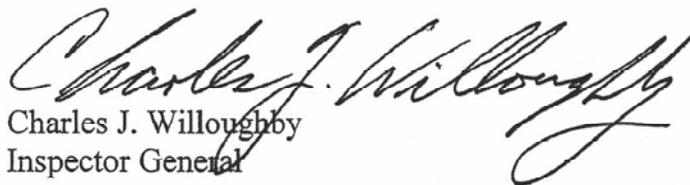
Dear Mayor Fenty:

Enclosed please find a copy of a Management Alert Report (MAR 10-I-002) issued April 27, 2010, to the Department of Human Services' (DHS) Adult Protective Services Division (APS). The MAR addresses our findings that DHS/APS: (1) is not properly safeguarding case file documents that bear sensitive and legally-protected information; and (2) social workers are not able to maintain privacy when discussing confidential client information due to the open configuration of their office space. DHS' response to the MAR, dated May 21, 2010, also is enclosed.

Although the OIG is conducting an ongoing inspection of APS for which a report will be completed later this year, we are providing this information to you now so that you are aware of the importance of the issues addressed in the MAR and the corrective actions proposed by DHS.

If you have questions, please contact Alvin Wright, Jr., Assistant Inspector General for Inspections and Evaluations, at (202) 727-2540.

Sincerely,



Charles J. Willoughby
Inspector General

CJW/gah

Enclosures

cc: See distribution list

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DISTRICT OF COLUMBIA
OFFICE OF THE INSPECTOR GENERAL
CHARLES J. WILLOUGHBY
INSPECTOR GENERAL

INSPECTIONS AND EVALUATIONS DIVISION
MANAGEMENT ALERT REPORT

DEPARTMENT OF HUMAN SERVICES:
ADULT PROTECTIVE SERVICES

- **SENSITIVE AND LEGALLY-PROTECTED INFORMATION NOT SECURED**
- **APS SOCIAL WORKERS NOT ABLE TO MAINTAIN PRIVACY WHEN DISCUSSING CONFIDENTIAL CLIENT INFORMATION**

Inspections and Evaluations Division
Mission Statement

The Inspections and Evaluations (I&E) Division of the Office of the Inspector General is dedicated to providing District of Columbia (D.C.) government decision makers with objective, thorough, and timely evaluations and recommendations that will assist them in achieving efficiency, effectiveness, and economy in operations and programs. I&E goals are to help ensure compliance with applicable laws, regulations, and policies, to identify accountability, recognize excellence, and promote continuous improvement in the delivery of services to D.C. residents and others who have a vested interest in the success of the city.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General



April 27, 2010

Clarence Carter
Director
Department of Human Services
64 New York Ave. N.E., 6th Floor
Washington, D.C. 20002

Dr. Sheila Jones
Program Manager
Adult Protective Services Division
Family Services Administration
Department of Human Services
645 H St. N.E., 3rd Floor
Washington, D.C. 20002

Dear Mr. Carter and Dr. Jones:

This is a Management Alert Report (MAR 10-I-002) to inform you that during our inspection of the Adult Protective Services Division (APS) of the Department of Human Services' (DHS) Family Services Administration (FSA), the Office of the Inspector General (OIG) determined that DHS/APS: (1) is not properly safeguarding case file documents that bear sensitive and legally-protected information; and (2) social workers are not able to maintain privacy when discussing confidential client information due to the open configuration of their office space. The OIG provides these reports when it believes a matter requires the immediate attention of District government officials.

Background

DHS' mission is "to coordinate and provide a range of services that collectively create the enabling conditions for economic and socially challenged residents of the District of Columbia to enhance their quality of life and achieve greater degrees of self-sufficiency."¹ FSA consists of the following service/programmatic areas: APS, the D.C. Fatherhood Initiative, Homeless Services, Refugee Resettlement, Strong Families, and the Teen Parent Assessment. APS is responsible for investigating reports of abuse, neglect, and exploitation of frail, elderly and disabled adults in the District of Columbia. In addition, APS provides case management,

¹ See http://dhs.dc.gov/dhs/cwp/view,a,3,q,492334,dhsNav_GID,1461,dhsNav,%7C31045%7C,.asp (last visited April 8, 2010).

counseling, and support services to vulnerable adults who have been abused, neglected, or exploited.²

Observations

1. **Documents containing sensitive and legally-protected information are not properly secured at APS and are therefore vulnerable to theft and misuse.**

According to the Code of Ethics of the National Association of Social Workers (NASW) § 1.07 titled *Privacy and Confidentiality*:

- (1) Social workers should protect the confidentiality of clients' written and electronic records and other sensitive information. Social workers should take reasonable steps to ensure that clients' records are stored in a secure location and that clients' records are not available to others who are not authorized to have access.

Further, D.C. Code § 7-1903(d)(3) (2008) states:

- [a]ny person possessing a report or investigative information ... shall take reasonable steps to prevent the disclosure of information that might reveal the reporter's identity to the person(s) allegedly responsible for the abuse, neglect, or exploitation.

Through onsite observations, our inspector learned that APS does not secure all sensitive client information from unauthorized access. The inspector observed client case files that appeared to be unorganized lying on unattended desks, in open boxes, and in carts waiting to be filed in the storage room (Attachments 1, 2, and 3).³ APS files contain sensitive and confidential information about clients' cases and may include some or all of the following: written statements from the client and/or alleged perpetrator; law enforcement records; court documents; medical records; bank statements; photos; interview notes; and estate documents. The inspector reviewed 22 files and observed examples of all the aforementioned documents in addition to Social Security numbers, dates of birth, home addresses, and the names of abuse reporters. The inspector learned that APS employees should adhere to the Health Insurance Portability and Accountability Act (HIPAA)⁴ standards for securing files; however, they have not been provided written policies and procedures that explain how to properly secure client and case information.

² See <http://dhs.dc.gov/dhs/cwp/view,a,3,q,492691,dhsNav,%7C30980%7C,..asp> (last visited Mar. 15, 2010).

³ One employee noted, "APS never had enough storage cabinets to hold all of the client case files to accommodate the overflow of cases."

⁴ The HIPAA Privacy Rule protects the privacy of "individually identifiable" health information. <http://www.hhs.gov/ocr/privacy/> (last visited April 6, 2010).

The inspector noted that the storage room that APS uses is located on the first floor of DHS' Income Maintenance Administration (IMA)⁵ office. Multiple DHS entities share use of the room and have boxes and supplies scattered throughout (Attachment 4). On several occasions, the inspector observed that the door to the storage room was not secured or closed (Attachment 5). According to APS employees, employees of other DHS divisions leave the door open. Employees also use the room as a thoroughfare to reach a building exit and the entrances to the restrooms. IMA employee cubicles and client seating are adjacent to the storage room and in close proximity to the unsecured APS files (Attachments 6 and 7).

2. **APS social workers are not able to maintain privacy when discussing confidential client information due to the configuration of their office space.**

APS' office space is located on the third floor of 645 H St., N.E. and has a "bullpen" style layout. APS social workers sit at desks in low-walled cubicles (Attachment 8) and share the office space with employees of other DHS programs. For example, IMA has employees in cubicles located next to APS social workers; however, IMA is not a part of FSA. IMA is a DHS program that provides public assistance benefits, such as food stamps. When working on behalf of their clients, APS social workers discuss sensitive information such as Social Security numbers, dates of birth, addresses, and health histories. This information is considered confidential, and IMA employees should not be privy to it. The HIPAA *Standards for Privacy of Individually Identifiable Health Information* ("Privacy Rule") establishes:

a set of national standards for the protection of certain health information Individually identifiable health information includes many common identifiers (e.g., name, address, birth date, Social Security Number).

In addition, the NASW Code of Ethics further provides:

(i) Social workers should not discuss confidential information in any setting unless privacy can be ensured.

* * *

(m) Social workers should take precautions to ensure and maintain the confidentiality of information transmitted to other parties through the use of computers, electronic mail, facsimile machines, telephones and telephone answering machines, and other electronic or computer technology. Disclosure of identifying information should be avoided whenever possible.

⁵ IMA determines the eligibility of applicants and recertifies the eligibility of recipients for federal and District-funded assistance programs. [Http://dhs.dc.gov/dhs/cwp/view,A,3,Q,492411.asp](http://dhs.dc.gov/dhs/cwp/view,A,3,Q,492411.asp) (last visited April 4, 2010).

The team learned through interviews and observations that APS social workers are not able to maintain privacy in their office space when discussing confidential client information over the telephone because of the open layout. One employee stated: “You don’t have enough privacy and you need confidentiality when dealing with cases. The way the office is set up anyone can hear your case. This is one of the worst environments for APS. APS workers are in one cubicle and IMA is in ... one beside the APS workers. There is no confidentiality.” Another employee stated: “There is no confidentiality here. At this location, we share space with IMA. I feel like I have to make calls at home because of the open setting, and we are so close in proximity to them.”

Conclusion

APS case files containing sensitive and legally-protected information are not properly secured and entry into the storage room where files are kept is not controlled. Consequently, the information contained in these files is vulnerable to loss, theft, misuse, or alteration. As noted by the Social Security Administration: “Identity theft is one of the fastest growing crimes in America.”⁶ The potential misuse of information housed at this location is of particular concern to the OIG because the files pertain to individuals who may not have the capacity or acuity to readily detect the fraudulent use of their Social Security numbers, addresses, bank account numbers, and other sensitive data.

Files not maintained in an orderly fashion pose a potential problem for APS as well as law enforcement and court officers. For example, if an APS social worker needed to furnish a client’s case file as part of a criminal court proceeding, he/she may not be able to do so in a timely fashion. Moreover, the identities of abuse reporters are at risk of disclosure, which would be a violation of the D.C. Code. Finally, the bullpen style layout of the office and shared office space prevents social workers from discussing confidential information in a setting that ensures privacy.

Recommendations

The OIG recommends that the Director of DHS give high priority to the following actions:

1. ensure that APS immediately identifies and safeguards all sensitive, confidential, and legally-protected client and case information from unauthorized access;
2. develop and disseminate to all APS employees policies and procedures consistent with federal and District laws that detail actions employees should take to secure and store sensitive, confidential, and legally-protected client information, and ensure that employees who handle such information are trained to implement these policies and procedures; and

⁶ U.S. SOCIAL SECURITY ADMINISTRATION, IDENTITY THEFT AND YOUR SOCIAL SECURITY NUMBER, *available at* <http://www.ssa.gov/pubs/10064.html> (last visited Mar. 15, 2010).

3. explore the feasibility of reconfiguring the existing office space to ensure that APS social workers can have confidential conversations with and about clients and abuse reporters.

Please provide your comments on this MAR by May 21, 2010. Your response should include actions taken or planned, dates for completion of planned actions, and reasons for any disagreement with the concerns and recommendations presented. Please distribute this MAR only to those who will be directly involved in preparing your response.

Should you have any questions prior to preparing your response, please contact [REDACTED], Director of Planning and Inspections, at 202-[REDACTED].

Sincerely,



Charles J. Willoughby
Inspector General

CJW/bh

cc: Mr. Neil O. Albert, City Administrator and Deputy Mayor
The Honorable Tommy Wells, Chairperson, Committee on Human Services
The Honorable Mary M. Cheh, Chairperson, Committee on Government Operations and the Environment

Attachment 1: APS case files on a table in the shared, unsecured storage room.



Attachment 2: APS case files in carts in the storage room.



Attachment 3: APS case files in a box on the floor of the storage room.



Attachment 4: Office equipment and miscellaneous boxes belonging to other DHS entities in the storage room.



Attachment 5: Open door to the storage room.



Attachment 6: IMA cubicle adjacent to the storage room.



Attachment 7: View of IMA cubicles and client waiting area from the storage room.



Attachment 8: APS and IMA cubicles on 3rd floor of 645 H St., N.E.





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District of Columbia**

Office of the Inspector General

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES



Office of the Director

MAY 21 2010

Charles J. Willoughby, Esq.
Inspector General
Office of the Inspector General
717-14th Street, N.W., 5th Floor
Washington, DC 20005

RE: OIG No. MAR 10-I-002

Dear Mr. Willoughby:

Enclosed is a response from the Office of Program Review, Monitoring and Investigation (OPRMI), which addresses observations by your office related to the safeguarding of case file documents by Adult Protective Services (APS) and the ability of social workers to maintain privacy when discussing confidential client information due to the configuration of their office space.

Should you have any questions about this information, please contact [REDACTED] Chief Accountability Officer, Office of Program Review, Monitoring and Investigation. [REDACTED] can be reached at (202) [REDACTED].

Sincerely,

A handwritten signature in cursive script that reads "Clarence H. Carter".

Clarence H. Carter
Director

CC/mh

Enclosures

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES



Office of Program Review,
Monitoring and Investigation

MEMORANDUM

TO: Clarence H. Carter
Director

FROM: [REDACTED] 
Chief Accountability Officer

DATE: March 21, 2010

SUBJECT: Management Alert Report –Family Services Administration (FSA), Adult Protective Services (APS) – (OIG MAR 10-I-002)

INTRODUCTION

On April 27, 2010, the Department of Human Services (DHS), Office of Program Review, Monitoring and Investigation (OPRMI), received a Management Alert Report (MAR 10-I-002), from the Office of the Inspector General (OIG) advising that an inspection of the Family Services Administration (FSA) Adult Protective Services (APS), 645 H Street N.E., 3rd floor, Washington, DC 20002, was conducted. The MAR observed that APS: (1) is not properly safeguarding case file documents that bear sensitive and legally-protected information; and (2) social workers are not able to maintain privacy when discussing confidential client information due to the open configuration of their office space.

OBSERVATIONS

Specifically, the OIG observed that:

- APS client case files appeared to be unorganized, lying on unattended desks, in open boxes and in carts waiting to be filed in a storage room;
- The file storage room is located on the first floor of 645 H Street N.E., adjacent to Income Maintenance Administration (IMA) cubicles and client seating. It is used as storage by multiple DHS programs, but is not secured or closed, and employees use the room as a thoroughfare to reach a building exit and entrances to restrooms; and
- APS office space has a “bull pen” style layout, Social Workers work in low-walled cubicles, and DHS employees working for other DHS programs sit in close proximity, which allows other staff to be privy to confidential information.

RECOMMENDATIONS

The OIG recommended that DHS:

- Ensure that APS immediately identify and safeguard all sensitive, confidential, legally-protected client and case information from unauthorized access.

DHS Response: APS has obtained additional, locked file cabinets, which ensure sufficient storage space for safeguarding all sensitive, confidential, legally-protected APS client and case information from unauthorized access.

- Develop and disseminate to all APS employees policies and procedures consistent with Federal and District laws that detail actions employees should take to secure and store sensitive, confidential, and legally protected client information and ensure that employees who handle such information are trained to implement these policies and procedures.

DHS Response: APS is developing policies and procedures for securing and storing sensitive, confidential, and legally protected client information and case documents. To accomplish this goal, the APS Program Manager met with APS Supervisory staff on May 4, 2010 and May 18, 2010 to draft policies and procedures that will guide staff in securing and storing sensitive, confidential and legally protected client information and case documents and establish a timeline for developing and implementing the final versions.

On April 30, 2010, the APS Program Manager conducted a meeting with APS staff to review the observations identified in the OIG MAR, explain appropriate methods for securing and storing sensitive, confidential, and legally protected client information and case documents, and to identify improvements.

On May 7, 2010 and May 19, 2010, meetings were conducted with the Social Service Assistants, who are responsible for filing and maintaining client information and case documents, to review the current procedures for preparing, securing and protecting these documents.

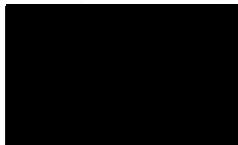
- Explore the feasibility of reconfiguring the existing office space to ensure that APS social workers can have confidential conversations with and about clients and abuse reporters.

DHS Response: APS has adopted a split work schedule which allows Social Workers to conduct field work outside of the office two days per week. Implementing this schedule addresses the spatial constraints and still facilitates protected-work productivity.

FOLLOW-UP

The Office of Program Review, Monitoring and Investigation (OPRMI) will randomly conduct site visits to inspect the records storage and practices of APS and report observations to the FSA Administrator and FSA Deputy Administrator to ensure that APS is securing and storing sensitive, confidential, and legally protected client information and case documents.

cc: Charles Willoughby



Attachment