

State of Montana
Department of Labor & Industry
Judy Martz, Governor



Employment Relations Division

Jerry Keck, Administrator

MARCH, 2003

BULLETIN RE: HIPAA AND THE RELEASE OF WORKERS' COMPENSATION INFORMATION

Enforcement of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, 42 U.S.C. 1301 et seq. will begin April 14, 2003. **To ensure that workers' compensation systems will not be disrupted, the Act permits the disclosure of protected health care information pursuant to the provisions of state laws regarding workers' compensation.** 45 CFR 164.512(1) states:

"Standard: Disclosures for workers' compensation. A covered entity may disclose protected health information *as authorized by and to the extent necessary to comply with laws relating to workers' compensation* or other similar programs, established by law, that provide benefits for work-related injuries or illness without regard to fault."

The Montana Law relating to workers' compensation disclosures is found in the Uniform Health Care Information Act at Section 50-16-527(4), MCA:

"[A] signed claim for workers' compensation or occupational disease benefits authorizes disclosure to the workers' compensation insurer . . . by the health care provider. The disclosure authorized by this subsection authorizes the physician or other health care provider to disclose or release only information relevant to the claimant's condition. Health care information relevant to the claimant's condition may include past history of complaints of or the treatment of a condition that is similar to that presented in the claim, conditions for which benefits are subsequently claimed, other conditions related to the same body part, or conditions that may affect recovery. A release of information related to workers' compensation must be consistent with the provisions of this subsection. Authorization under this section is effective only as long as the claimant is claiming benefits."

The timely release of medical information to a workers' compensation insurer will prevent potential delays in handling claims and return to work. **We encourage medical providers to recognize this exception and incorporate it into their normal routine for handling protected health information.**

If you have questions concerning the exception, please contact:

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