

Guidance: Worker's Compensation and Employee Based Programs

Worker's Compensation and Employee Based Programs

The University of Chicago Medicine may disclose a patient's protected health information (PHI) without first obtaining the patient's written authorization for workers compensation purposes as authorized by, and to the extent necessary to comply with workers compensation laws.

The patient's written authorization must be obtained in accordance with UCM policy prior to releasing information to employee based programs. This includes disclosures to an employer seeking the findings of employer-required or employer-ordered services, such as pre-employment physicals, drug tests, or fitness-for-duty examinations only

All disclosures of Highly Confidential Information always require a patient's written authorization in accordance with Illinois and federal law.

Specifically, UCM can disclose PHI to workers' compensation insurers, State administrators, employers, and other persons or entities involved in workers' compensation systems:

- When it is necessary to comply with workers' compensation or similar programs established by law that provide benefits for work-related injuries or illness without regard to fault.
- To the extent the disclosure is required by State or other law. The disclosure must comply with and be limited to what the law requires.
- For purposes of obtaining payment for any health care provided to the injured or ill worker.
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We must limit the amount of PHI disclosed for workers' compensation purposes to the minimum necessary to accomplish the workers' compensation purpose. This means UCM should disclose only PHI related to the care and services associated with the workers compensation matter. Additionally we must limit the amount of PHI disclosed for payment purposes related to a workers' compensation claim to the minimum necessary. The minimum necessary standard is a key protection under the HIPAA regulation, and states we must only access, view, use or disclose the smallest or minimum amount of PHI necessary to accomplish the intended purpose. The University of Chicago Medicine will disclose the amount and types of patient protected health information that are necessary to obtain payment for health care provided to an injured or ill worker.

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Upon receiving a request for protected health information involving a workers' compensation claim (e.g. subpoena, attorney letter, administrative order), the request should be forwarded to Health Information Management (HIM) for review and processing. More information can be found in UCM Policy A05-36 Disclosures Related to Worker's Compensation and Employee-Based Programs on the intranet or by contacting the Privacy Program directly.

**Any questions/comments/concerns please feel free to reach out to
the Privacy Program at:**

773-834-9716 or hpo@bsd.uchicago.edu