

Releasing Information for Workers Compensation Purposes

Question

Does the HIPAA Privacy Rule allow us to disclose an injured or ill worker's protected health information (PHI) without his or her authorization when requested for purposes of adjudicating the individual's workers' compensation claim?

Answer

Yes, UCH 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. Specifically, UCH can disclose PHI:

1. 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.
2. 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.
3. For purposes of obtaining payment for any health care provided to the injured or ill worker.

However, UCH shall limit the amount of PHI disclosed for workers' compensation purposes to the minimum necessary to accomplish **the workers' compensation purpose**. This means UCH should only disclose only PHI related to the care and services associated with the workers compensation matter. Likewise, UCH shall limit the amount of PHI disclosed for payment purposes related to a workers' compensation claim to the minimum necessary. UCH will disclose the amount and types of PHI that are necessary to obtain payment for health care provided to an injured or ill worker.

Procedure

Upon receiving a request for PHI involving a workers' compensation claim (e.g. subpoena, attorney letter), the request should be forwarded to the Site Manager in Health Information Management (HIM) for review and processing. Only the Site Manager in HIM will process requests related to workers' compensation.