

**SUBJECT: Disclosing PHI for Worker's Compensation Purposes**

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**EFFECTIVE DATE: Draft**

**REVIEWED/REVISED:**

**PURPOSE: To define uses and disclosures permissible for Workers Compensation in association with the HIPAA Privacy Standards.**

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Pursuant to the Health Insurance Portability and Accountability Act (HIPAA), Section 164.512(l), MHS and its affiliates will comply with this policy regarding use and disclosure of protected health information for Workers' Compensation purposes.

**POLICY:**

MHS and its affiliates may disclose protected health information as authorized by, and as 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. This policy was developed to provide guidance and ensure compliance with applicable laws when disclosing protected health information related to workers compensation and other similar programs.

Pursuant to Nebraska Revised Statute 48-120:

- "Generally all medical and hospital information relevant to the particular injury shall, on demand, be made available to the employer, the employee, the carrier, and the compensation court. The party requesting such medical and hospital information shall pay the cost thereof. No such relevant information developed in connection with treatment or examination for which compensation is sought shall be considered privileged communication for purposes of a workers' compensation claim."
- Additionally "employees have a right to select a treating physician who has "maintained the employee's medical records prior to an injury and has a documented history of treatment with the employee prior to an injury or a physician who has maintained the medical records of an immediate family member of the employee prior to the injury. Immediate family member means the employee's spouse, children, parents, stepchildren and stepparents." The employer may verify that a pre-existing relationship was present.
- The treating physician must furnish the employer a report of injury and treatment within 14 of the first treatment for the injury.

Iowa laws regarding workers compensation and occupational diseases are set forth in Title III of the Iowa Code.

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**PROCEDURE:**

1. Personnel who receive a request from an individual or entity for use or disclosure of protected health information for workers' compensation purposes will use available computer or paper resources to determine whether the requesting individual is a person with whom the MHS affiliate facility has a pre-existing relationship.
2. Personnel will follow appropriate policies and procedures for verifying the identity and authority of individuals requesting protected health information.
3. Once it is determined that use of disclosure is appropriate, HIM/Medical Record personnel with appropriate access clearance will access the individual's protected health information using proper access and authorization procedures.
4. The requested protected health information, within the limits of the law, will be delivered to the individual in a secure and confidential manner, such that the information cannot be accessed by employees or other persons who do not have appropriate access clearance to that information.
5. MHS personnel will appropriately document the request and delivery of the protected health information.
6. In the event that the identity and legal authority of an individual or entity requesting protected health information cannot be verified, personnel will refrain from disclosing the requested information and report the case to the appropriate MHS affiliate Privacy Officer or their designee in a timely manner.
7. Knowledge of a violation or potential violation of this policy must be reported directly to the appropriate MHS affiliate Privacy Officer or to the Corporate Compliance Hotline.