

POLICY REGARDING DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR WORKERS COMPENSATION PURPOSES

Purpose: To set forth the policy and procedures of WVU Physicians of Charleston (WVUPC) regarding disclosure of protected health information (“PHI”) for workers compensation purposes.

Standard: WVUPC may disclose PHI as authorized by and 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.

Policy:

1. WVUPC may disclose PHI in order to comply with laws relating to workers compensation or other similar programs established by law pursuant to the provisions of 45 C.F.R. § 164.
2. Any questions which arise regarding disclosures for workers compensation purposes should be directed to the WVUPC Privacy Officer and/or General Counsel.

Procedure

- A. WVUPC Health Information Management (HIM) personnel will follow appropriate policies and procedures for verification of the identity and authority of individuals requesting PHI for workers compensation purposes.
- B. If a person or entity presents an authorization for the release of records containing PHI for workers compensation purposes, if the authorization contains all of the requisite elements of a HIPAA compliant authorization form as specified in WVUPC policies and procedures, and if the authorization is signed by the individual who is the subject of the records of the HIPAA regulations, WVUPC may disclose PHI pursuant to, and to the extent authorized by, that authorization.
- C. If an authorization signed by the individual is not provided with a request for PHI for workers compensation purposes, WVUPC personnel receiving the request for disclosure will consult with WVUPC privacy officer regarding the propriety of disclosure.

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D. West Virginia law provides that, by the filing of an application for workers compensation benefits, a workers compensation claimant agrees that his/her physician may release information concerning the claimant's medical history and any medical reports pertaining to the occupational injury or disease and to any prior injury or disease of that portion of the claimant's body to which a medical impairment is alleged.

E. WVUPC may, but is not required to, produce records in response to a records request in a workers compensation matter without the authorization of the individual who is the subject of the record. If records are produced in a workers compensation matter without the authorization of the individual, the records disclosed must, as required by HIPAA and as provided in West Virginia law, be limited to those records and/or reports which are relevant and which pertain to the occupational injury or disease at issue in the workers compensation claim.

F. Once it is determined that disclosure is appropriate, HIM personnel receiving and processing the records request will access the individual's PHI using proper access and authorization procedures.

G. The requested PHI will be delivered to the requesting party in a secure and confidential manner.

H. HIM personnel will appropriately document the request and delivery of the PHI.

I. In the event that the identity and legal authority of the individual or entity requesting PHI for workers compensation purposes cannot be verified, WVUPC HIM personnel will refrain from making the disclosure and will report the case to the WVUPC privacy officer and/or General Counsel for further review and processing.

REFERENCES:

45 C.F.R. § 164.512(l); 45 C.F.R. § 164.502.
W.Va. Code §23-4-7(b)

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