



## Economic Affairs Interim Committee

### 61st Montana Legislature

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as of June 11, 2010

### Draft Agenda for HIPAA Subcommittee June 24, 2010

4:00 to 5:00 p.m., Room 102

(all times are tentative. An agenda item may be earlier or later than projected.)

- 4:00 p.m. Roll Call and Approval of Minutes, Chair - Rep. Chuck Hunter
- 4:05 p.m. Review of Labor-Management Advisory Council language on information exchange
- 4:15 p.m. Discussion by Subcommittee
- 4:25 p.m. Public Comment
- 4:45 p.m. Subcommittee Action
- 5:00 p.m. Adjourn

Text of LMAC language for review:

**Exchange of information. (1) The worker, employer, medical providers, department, insurer, and the rehabilitation provider shall provide to one another case information as provided in this section.**

**(2) (a) To protect the privacy rights of an injured worker, health care information related to a workplace injury or occupational disease may not be released to the worker's employer without an authorization for the release of the information, signed by the worker.**

**(b) Either of the following documents constitutes an authorization for release of information:**

**(i) a first report of injury or occupational disease form signed by the worker; or**

**(ii) a written authorization for release of stay at work/return to work information, signed by the worker, allowing that information to be provided to the rehabilitation provider, the employer, the department, the insurer, and to other health care providers. A written authorization as provided in this subsection (2)(b)(ii) may be executed without the need for either the worker or the employer to have already completed a first report of injury or occupational disease.**

**(3) After satisfying the release of information requirements provided in subsection (2), only the following information, which may constitute health care information, may be released to the workers' employer:**

**(a) the workers' restrictions related to the claim;**

**(b) the date or anticipated date the worker is release to return to work;**

**(c) the approval or disapproval of work activities or job descriptions for the worker; and**

**(d) the date or anticipated date of maximum medical healing.**

**(4) An employer receiving information regarding a worker's medical condition pursuant to this section shall exercise due care to prevent unauthorized use or redisclosure of that information.**