

Polk County Wisconsin

**USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR
WORKER'S COMPENSATION PURPOSES**

Policy 601.K

Effective Date: August 19, 2003

Current Revision Date:

Background:

In compliance with the Privacy Rule of the Administrative Simplification provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Wisconsin Statute 102.33, Polk County may disclose protected health information to worker's compensation or other similar programs, established by law, that provide benefits for work-related injuries or illness without regard to fault. However, the health information disclosed must be limited to the minimum amount necessary to carry out the purpose of the disclosure.

An employee filing a claim for worker's compensation due to an on-the-job injury consents to certain conditions. One of those conditions is, at Polk County's request, they will submit to an examination to determine the validity of their claim. This information is then available, with certain restrictions, to the employee, Polk County, Department of Workforce Development, or representative of any of these to assist in resolving the claim.

Employees filing a worker's compensation claim waive all provider-patient privilege of information or results regarding any condition or complaint **reasonably related to the condition that they are claiming compensation for**. This includes information normally covered by Wis. Stat. 51.30, 146.82 and any other applicable law, but only if it is related to the condition that the employee is seeking compensation for.

Procedures:

1. Copies of medical records or verbal communications, reasonably related to a work injury, should be released within a reasonable time, after written request, to the employee, Polk County, worker's compensation insurance carrier for Polk County, Department of Workforce Development or its representative.
2. Requests for copies of medical records, which extend beyond the scope of the work-related injury, need to be accompanied by a written authorization from the client/employee.
3. Providers furnish legible duplicates of written material requested. Certified copies are furnished upon request. Refusal to provide the requested copies can result in the provider being liable for all costs of preparing the records and attorney's fees incurred while

attempting to get the requested copies.

4. Fees for copies are set by state statute, with a minimum of \$7.50 per request or \$.45 per page plus the actual postage cost, whichever is greater.
5. Records of the Department of Workforce Development which identify an employee filing a worker's compensation claim are confidential and not subject to inspection or copying under s.19.35(1). This includes the following:
 - 5.1 Identity of the employee
 - 5.2 Nature of the claimed injury
 - 5.3 Past or present medical condition
 - 5.4 Extent of disability
 - 5.5 Amount, type or duration or any benefits provided to the employee
 - 5.6 Financial information provided to the department by self-insured employer or person applying for exemption under s.102.28(2)(b).

References

WHIMA Legal Resource Manual
Wisconsin Statutes 102.13 and 102.33

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