

NOTICE TO PROVIDERS

RE: HIPAA'S Application to Workers' Compensation
and the Idaho Industrial Commission

Generally, under HIPAA you may not use or disclose protected health information without a valid authorization from the patient. However, an exception in HIPAA allows you to disclose information to comply with state workers' compensation laws:

“Standard: Disclosures for workers’ compensation. A covered entity may disclose protected health information **as authorized by and to the extent 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.” 45 C.F.R. § 164.512(l). (emphasis added)

Idaho Code Sec 72-432(11) of the Idaho Workers' Compensation Law provides that all medical information bearing on a particular injury or occupational disease shall be provided to the Commission, a claimant, a surety, an employer, the industrial special indemnity fund, or the attorney for any of them, without liability on the part of the medical provider. It also provides that such medical information is not privileged communication.