

# Workers' Compensation & HIPAA Privacy Rule Fact Sheet

The Health Insurance Portability and Accountability Act (HIPAA) was signed into Federal Law in 1996. It calls for the simplification of health care transactions and regulations to ensure the privacy and security of health information. The HIPAA Privacy Rule is effective April 14, 2003.

## Privacy Rule Facts:

- Applies to a health plan, a health care clearinghouse, and a health care provider who transmits any health information in electronic form in connection with a transaction covered by this subchapter. - *45 CFR 160.102(a)*
- Specifically excludes workers' compensation insurance from the definition of a "health plan." - *45 CFR 160.103*
- Does not apply to the workers' compensation insurers, workers' compensation administrative agencies, or most employers.
- Permits health care providers to disclose protected health information (PHI) to workers' compensation insurers, State administrators, employers, and other persons or entities involved in workers' compensation systems. - *45 CFR 164.512 (l)*
- Limits the amount of protected health information health care provider is allowed to disclose to the minimum necessary to accomplish the workers' compensation purpose and to the full extent authorized by State or other law. - *OAR 436-010-240(1)*
- Permits health care provider to reasonably rely on State workers' compensation agency or other public official representations that the information requested is the minimum necessary for the intended purpose. - *45 CFR 164.514(d)(3)(iii)(A)* Is not intended to impede the flow of health information to those who need it to process or adjudicate claims, or coordinate care, for injured or ill workers under workers' compensation systems. - *45 CFR 164.512(l)*
- Permits health care provider to disclose the type and amount of information necessary to receive payment for any health care provided to an injured or ill worker. - *45 CFR 164.501 & 164.502(a)(1)(ii)*
- Permits health care provider to disclose protected health information in the course of any judicial or administrative proceeding in response to a court order, subpoena, or other lawful process. *45 CFR 164.512(e)*

For more information visit the US Department of Health & Human Services - Office for Civil Rights web site at <http://www.hhs.gov/ocr/hipaa/privacy.html> and view the publication *Guidance Explaining Significant Aspects of the HIPAA Privacy Rule* or phone 866-627-7748.

Additional resources are available at the Workers' Compensation Division HIPAA web site at [www.cbs.state.or.us/wcd/policy/hipaa/intro.html](http://www.cbs.state.or.us/wcd/policy/hipaa/intro.html) or call Ed Lanssens, WCD HIPAA Coordinator at 503.947.7805.