

ORGANIZATION POLICY

POLICY TITLE: ONSLOW MEMORIAL HOSPITAL DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR WORKERS' COMPENSATION

POLICY NUMBER: 1306

PURPOSE AND APPLICABLE LAW: The purpose of this Policy is to establish OMH's disclosure of protected health information for workers' compensation.

DEFINITIONS: Certain terms having specific definitions are used in this Policy, and these terms and definitions are as follows:

- a. Individually identifiable health information means information that is a subset of health information, including demographic information collected from an individual, and:
 - i. Is created or received by a healthcare provider, health plan, employer, or healthcare clearinghouse; and
 - ii. Relates to the past, present or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual; and
 - 1. That identifies the individual; or
 - 2. With respect to which there is a reasonable basis to believe the information can be used to identify the individual.
- b. Protected health information means individually identifiable health information that is:
 - 1. Transmitted by electronic media (e.g., internet, intranet, extranet, facsimile dial up lines);
 - 2. Maintained in any medium of electronic media (e.g., computer hard drives, removable/transportable digital memory medium, such as magnetic tape or disk, optical disk, or digital memory card); or
 - 3. Transmitted or maintained in any other form or medium.

PROCEDURE:

OMH 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 illnesses without regard to fault. **OMH need not obtain an authorization or permit the Patient the opportunity to agree or object prior to making the disclosure.**

OMH may disclose protected health information regarding an individual to a party responsible for payment of workers' compensation benefits to the individual, and to an agency responsible for administering and/or adjudicating the individual's claim for workers' compensation benefits. Workers' compensation benefits also include benefits under programs such as the Black Lung Benefits Act, the Federal Employees' Compensation Act, the Longshore and Harbor Workers' Compensation Act, and the Energy Employees' Occupational Illness Compensation Program Act.

The amount of protected health information to be disclosed to these programs should be limited to the minimum amount necessary to accomplish the intended purpose.

EFFECTIVE DATE: June 2005

REVISION DATE: January 12, 2009, January 2015

REVIEW DATE: December 2011, January 2018

APPROVED BY: _____
Penney Burlingame Deal, DHA, RN, FACHE
President and Chief Executive Officer

Regina Lanier, MSN, MAEd, RN
Senior Vice President, Chief Nursing Officer

Scott Johnston, M.D.
Chief of Staff