

Forms and Health Information Requested Under HIPAA

BWC is exempt from the provisions of the Health Insurance Portability and Accountability Act (HIPAA). However, BWC recognizes maintaining separate procedures for workers' compensation claims could become confusing. BWC is partnering with providers to help make HIPAA compliance as simple as possible.

Below are commonly used BWC forms and requested medical documentation providers complete for Ohio workers' compensation claims. The forms are organized according to the specific HIPAA provisions that allow for completing forms or releasing documents. **Note:** The list is not all inclusive.

Releasing medical information for treatment, payment or health-care operations

A treating provider involved in a workers' compensation claim may complete the following BWC forms and disclose protected health information for treatment, payment or health-care operations (**See 45 Code of Federal Regulations (CFR) 164.506**).

- FROI** *First Report of an Injury, Occupational Disease or Death* and supporting medical documentation
- C-9** *Physician's Request for Medical Service or Recommendation for Additional Conditions for Industrial Injury or Occupational Disease*, recommending proactive allowance of additional condition(s) and supporting medical documentation
- C-9** *Physician's Request for Medical Service or Recommendation for Additional Conditions for Industrial Injury or Occupational Disease*, requesting treatment and supporting medical documentation
- C-9-A** *Request for Additional Medical Documentation for C-9* and supporting medical documentation
- C-11** *ADR Appeal to the MCO Medical Treatment/Service Decision* and supporting medical documentation

Releasing medical information under HIPAA workers' compensation exemption

A treating provider may complete the BWC forms in the right column and disclose protected health information in a workers' compensation claim under the HIPAA exemption, which allows disclosure of protected health information in compliance with workers' compensation laws, insofar as the information "relate[s] causally or historically to physical or mental injuries relevant to the claim," is "required by the bureau, managed care organization (MCO), Qualified Health Plan (QHP) or self-insuring employer," and is "necessary for the claimant to obtain medical services, benefits or compensation." **See 45 CFR 164.512(l); Ohio Administrative Code (OAC) 4123-6-20(D)**.

C-84 *Request for Temporary Total Compensation* and supporting medical documentation

C-140 *Initial Application for Wage Loss Compensation* and supporting medical documentation

MEDCO-14 *Physician's Report of Work Ability* and supporting medical documentation

C-86 *Motion*, as requested by BWC to support a motion

Requests for information from MCOs regarding vocational rehabilitation feasibility

Requests for information from MCOs regarding modified duty requirements

Requests (from employers, injured workers' attorneys, BWC, MCOs, etc.) for information that relates causally or historically to physical or mental injuries relevant to the claim, is required by BWC or by an MCO, QHP or self-insuring employer, and is necessary for the injured worker to obtain medical services, benefits or compensation.

Note: This HIPAA workers' compensation exemption, when read in combination with Ohio law as cited above, may in many cases provide additional support for releasing health information under the other circumstances discussed here (e.g., release of information to BWC or an MCO for treatment or payment purposes, etc.).

Release of medical information under a valid HIPAA authorization

The protected health information below may be disclosed in a workers' compensation claim under a valid authorization (release) from the injured worker that complies with HIPAA requirements (**See 45 CFR 164.508**)

Any information specifically listed in the authorization, including psychotherapy notes (if in a separate authorization specific to psychotherapy notes).

Disclaimer: The information and documents contained on **ohiobwc.com** and in this fact sheet were developed to assist BWC in understanding the obligations imposed by HIPAA. The State of Ohio and BWC provide no guarantee of accuracy or warranties of any kind. Utilization of this information is at the sole risk of the user. As with any matter of law, independent legal counsel should be consulted regarding compliance with HIPAA requirements.