**PURPOSE**

To establish the standards for disclosing an individual’s PHI for purposes of complying with workers’ compensation laws.

**POLICY**

[COVERED ENTITY] may disclose an individual’s PHI without his/her authorization for purposes of complying with workers’ compensation laws and similar programs.

**PROCEDURE**

1. Disclosures for Workers’ Compensation Purposes. [COVERED ENTITY] may disclose an individual’s PHI to workers’ compensation insurers, State administrators, employers, and other persons or entities involved in workers’ compensation systems, without the individual’s authorization, to the extent necessary to comply with laws relating to workers’ compensation or similar programs established by law that provide benefits for work-related injuries or illness without regard to fault. These programs include those established by 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. Any such disclosures must be limited to the type and amount of PHI necessary in order to comply with the applicable laws.

2. Disclosures Required by Law. [COVERED ENTITY] may disclose an individual’s PHI to workers’ compensation insurers, State administrators, employers, and other persons or entities involved in workers’ compensation systems, without the individual’s authorization, to the extent the disclosure is required by state or other law. The disclosure must comply with and be limited to what the law requires.

3. Disclosures for Payment Purposes. [COVERED ENTITY] may disclose an individual’s PHI to workers’ compensation insurers, State administrators, employers, and other persons or entities involved in workers’ compensation systems, without the individual’s authorization, for purposes of obtaining payment for any health care provided to the injured or ill worker.

4. Minimum Necessary Rule. [COVERED ENTITY] may disclose only the minimum amount of information that is necessary to accomplish the workers’ compensation purpose. Under this requirement, protected health information may be shared for such purposes to the full extent authorized by State or other law. In addition, covered entities are required reasonably to limit the amount of protected health information disclosed for payment purposes to the minimum necessary. Where PHI is requested by a State workers’ compensation or other public official, [COVERED ENTITY] may rely on the official’s representations that the information requested is the minimum necessary for the intended purpose. If the disclosure is required by state or other law, or is made pursuant to an individual’s authorization, [COVERED ENTITY] is not required to make a minimum necessary determination.

5. Accounting of Disclosures. Disclosures that are necessary to comply with laws relating to worker’s compensation programs (not including disclosures related to payment or disclosures pursuant to the individual’s specific written authorization), must be included in any accounting of disclosures.