

Issues discussed at LMAC meeting on Exchange of Information:

- **use of FROI as a written release.**
 - ▶ The Trial Lawyers objected to use of the FROI, based on the Thompson challenge regarding privacy rights.
 - ▶ Judy Bovington noted that if the FROI is retrained here that the form would need to be altered to notify the worker what is available for release to employers, etc.
 - ▶ Jason Miller said the FROI is not always signed at work and the FROI might be difficult to use as a release.
 - ▶ Annette Hoffman said a signed FROI is a problem for people who submit their FROI electronically. She noted that most people do not know what a FROI contains.
- **differences among insurers for physician check-off list on return to work.**
 - ▶ Diana Ferriter mentioned that the Work SafeMT committee on return to work is developing a workability form, which could be used as a model.
 - ▶ Al Smith questioned if this form would be prescribed by the department. Diana suggested LMAC could discuss that option.
- **the definition of health care information**
 - ▶ Don Judge wanted to know why “which may constitute health care is included.
 - ▶ Pat Murdo responded that the issue being dealt with by the HIPAA subcommittee includes concerns of medical providers who may provide that type of information in discussion of (3)(a) through (d).
 - ▶ Larry Jones noted that the information in (3)(a) through (d) would be considered health care information in the definition under the Uniform Health Care Information section (50-16-504).
 - ▶ Ryan Morton said (3)(a) through (d) are more about function than health care and the re is only need to distinguish information about function.
- **the use of the word "claim" or "employment in sub (3)(a)**
 - ▶ Al Smith suggested that it is important to keep the word “claim” because it is more limited.
 - ▶ Doug Buman suggested health information is broad and needs to be limited by the word claim.
- **whether "written" should be included regarding information about limits on work activities or job descriptions. Conversely whether this should specify written or oral.**
 - ▶ Rep. Hunter urged that the opportunity for discussion remain intact so that employers could talk with a doctor and get the (3)(a) through (d) information – not just have access in written form.

50-16-602

(2) (a) "Health care information" means information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of an individual, including one who is deceased, and that relates to that individual's health care or status. The term includes any record of disclosures of health care information and any information about an individual received pursuant to state law or rules relating to communicable disease.

(b) The term does not include vital statistics information gathered under Title 50, chapter 15.

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(6) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and relates to the patient's health care. The term includes any record of disclosures of health care information.

NOTE: Jerry Keck commented that if an injured worker is included in discussions, there is no problem with a three-way discussion among doctors, employers, and the worker.