

NEW SECTION. Section 10. Exchange of information regarding stay at work/return to work assistance.

(1) In order to protect the privacy rights of an injured worker, health care information related to a workplace injury or occupational disease may not be released by health care providers to the worker's employer without an authorization for the release of information from the worker. A written authorization given solely for the release of stay at work/return to work information to the employer by health care providers must be signed by the worker and comply with 50-16-526 and is not subject to the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. 1320d, et seq. The written authorization provided for in this subsection may be executed without the need for either the worker or the employer to have already completed a first report of injury or occupational disease.

(2) After satisfying the release of information requirements provided in subsection (1), only the following written information, which may constitute health care information as defined in 50-16-504, may be released by health care providers to the worker's employer for stay at work/return to work purposes:

- (a) the workers' restrictions related to the claim;
- (b) the date or anticipated date the worker is released to return to work;
- (c) the approval or disapproval of work activities or job descriptions for the worker;
- (d) the date or anticipated date of maximum medical healing; and
- (e) the worker's next appointment date.

(3) An employer receiving information regarding a worker's medical condition pursuant to this section shall exercise due care to prevent unauthorized use or redisclosure of that information.

(4) This section does not prohibit health care providers from discussing return to work issues with an employer if the worker is present and consents to the discussion or if the worker separately signs and consents in the release in subsection (1) to verbal communications between the worker's employer and the worker's health care provider.

(5) This section does not prohibit a patient from permitting written or verbal disclosure of protected health information to an employer for any reason through an authorization that complies with HIPAA and administrative rules adopted in connection with HIPAA.

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