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As of: May 21, 2010 (3:43pm)

LCwc#2

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act providing that a workers' compensation insurer, the agent of the workers' compensation insurer, or a health care provider may disclose to the injured employee's employer, with respect to an injured employee's return to work, certain information, including health care information, upon obtaining a signed release from the injured employee."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. Section 1. Release for disclosure of certain information to injured employee's employer. (1) A workers' compensation insurer, as defined in 39-71-116, the agent of the workers' compensation insurer, or a health care provider may request an injured employee to sign a release authorizing the disclosure of information set out in subsection (2).

(2) If the employee signs the release provided for in subsection (1), a workers' compensation insurer, as defined in 39-71-116, the agent of the workers' compensation insurer, or a health care provider may disclose, with respect to the employee's return to work, the following information, including health care information, to the injured employee's employer:

(a) the employee's restrictions related to the employee's claim;

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(b) the date or anticipated date the employee is released to return to work;

(c) the approval or disapproval of job descriptions for the employee;

(d) the date or anticipated date of maximum medical improvement; and

(e) other information that is limited to that which is reasonably necessary and is otherwise permitted or required by law and is limited to information that pertains to the issue of the employee's return to work.

NEW SECTION. Section 2. {standard} Codification

instruction. [Section 1] is intended to be codified as an integral part of Title 39, chapter 71, and the provisions of Title 39, chapter 71, apply to [section 1].

NEW SECTION. Section 3. {standard} Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

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