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Economic Affairs Interim Committee

61st Montana Legislature

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June 28, 2010

Jerry Keck
Employment Relations Division
Department of Labor and Industry
PO Box 8011
Helena MT 59604-8011

Dear Jerry:

The HIPAA Subcommittee of the Economic Affairs Interim Committee would like the Labor-Management Advisory Council (LMAC) to consider the following recommendations related to the "Exchange of Information" section in the stay-at-work/return-to-work part of the bill draft under consideration by LMAC:

- remove reference to insurers and let the existing language in 39-71-604 cover the requirements to share information with insurers. This does two things: it retains the current system and it lets litigation proceed regarding whether the ex parte communication allowed by this section is constitutional under the right of privacy;
- clarify that communication between the employer and the provider is allowed with a signed release form relating to the issues described in the section. Include the opportunity for an oral, not just written, discussion based on a release or the in-person participation of the injured worker.
- provide an option for the worker to be included in the discussion.

The HIPAA Subcommittee appreciates the efforts of the Labor-Management Advisory Council and feels that the efforts to get a worker back to work without process delays is important.

Sincerely,

Representative Chuck Hunter
Chair, HIPAA Subcommittee

cc: Members of the HIPAA Subcommittee