

**MONTANA UNIVERSITY SYSTEM (MUS)
WORKERS' COMPENSATION PROGRAM
Policies and Procedures**

Policy: Privacy Safeguarding and Limiting Access to Data

Policy Number: WC-02

Effective Date: September 4, 2019

Page 1 of 2

I. Policy Statement

- A. Management of workers' compensation claims requires access to medical records and identifying information such as social security numbers. The MUS Workers' Compensation Program (Program) takes reasonable steps to ensure that individuals' health and identifying information is properly protected while allowing the flow of health information needed to provide and promote high quality health care and appropriate management of a claim.
- B. The Program:
 - 1. Collects and maintains only such information about an individual as is relevant and necessary to appropriately manage the claim and comply with all state and federal requirements and relevant MUS policies;
 - 2. Maintains all records which are used with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual;
 - 3. Discloses only the information required to achieve its purpose and adopted policies and procedures to protect such information. The policies and procedures are in accordance with current federal and state privacy laws and MUS policies.

II. Procedures

- A. Collection of Medical and Personal Information
 - 1. Each First Report of Injury (FROI) used to file a claim with the Program includes current language developed by Montana Department of Labor and Industry (DLI) authorizing the release to the Program or its agents, records directly relevant to the claimed injury, disease or death, in accordance with federal and state law.
 - 2. In the event of complex claims, a separate and more comprehensive release will be utilized to authorize the Program or its agents to receive complete medical records and to release those records to other health care providers for the specific purpose of determining the extent and nature of the present medical condition.
 - 3. The Program collects each claimant's social security number and submits it along with claim information to the Centers for Medicare and Medicaid Services (CMS) in accordance with federal law.
 - 4. Claim-related and statistical data is collected and submitted to DLI, to Montana Legislative Audit Division (LAD) and to other agencies and entities as allowed or required by Montana laws and administrative rules.
- B. Securing Records

The Program and its vendors secures records by limiting access to electronic and non-electronic files and adhering to appropriate administrative, technical, procedural and physical safeguards to protect the confidentiality of personal information and to prevent

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Page 2 of 2

unauthorized access to the information. These security measures comply with current federal and state law and MUS policies.

C. Disclosure

1. The Program will not disclose any record containing private information except with the prior written consent of the individual to whom the record pertains, or otherwise as allowed by federal and state law and MUS policy.
2. The Program utilizes vendors, such as third-party claims administrators, to meet its claim and record management obligations. Vendor contract terms include privacy provisions consistent with this policy, state and federal law and MUS policy.
3. The Program will not sell names or private information.
4. The Program will account for disclosures and notice such disclosures in accordance with federal and state law and MUS policies.

D. Access to records

An individual may review Program records pertaining to that individual and is entitled to a copy of those records except where protected by attorney-client privilege or otherwise precluded by law. The Program shall, within a reasonable time, respond to a request for an individual's records and may charge a reasonable amount for retrieval, review and copying of such records.

History: MUS Workers' Compensation Committee Policy WC-0001 adopted 21, 2009, Revised to WC-02, June 2, 2016, Revised September 4, 2019, each effective upon adoption.

Authority: Board of Regents (BOR) Policy 1300 Security of Data and Information; Office of Commissioner of Higher Education (OCHE) Policy 607.0 Electronic Data and Computer Security Policy; ARM 24.29.43 Workers' Compensation Data Base System; Protection of personal information §2-6-1502; Notification of breach of security of security §2-6-1503, MCA; Information from state agencies §5-13-309, MCA; Records exempt from disclosure §39-71-224, MCA; Workers compensation database system §39-71-225, MCA; Application for compensation—disclosure and communication without prior notice §39-71-604, MCA; Montana Constitution Article II, §9 and 10; Public Law 104-191, 42 USC Section 1301, et. seq. (HIPAA), and 45 CFR 164.512(l); §111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C 1395y(b)(7)&(B)(8)) and U.S. Privacy Act 1974 5 USC 552a.