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Governor

State of Wyoming  
Department of Workforce Services  
DIVISION OF WORKERS' COMPENSATION

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Joan K. Evans  
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Dear Health Care Provider:

Effective April 14, 2003, HIPAA privacy regulations went into affect. This letter explains how those regulations affect your relationship with the Wyoming Workers' Safety and Compensation Division. ***The Division is exempt from the HIPAA privacy regulations.***

The Division is cognizant of the fact that health care providers are subject to the privacy regulations as covered entities. In addition, the Division also understands that many health care providers are uncertain about what information they may disclose to the Division. I want to reassure you that HIPAA will allow you to cooperate with the Division in substantially the same way that you have in the past.

In the final version of the privacy regulations, 45 CFR § 164.512(l) specifies that covered entities may disclose protected health information to workers' compensation programs without the patient's authorization and without providing the patient an opportunity to object. 45 CFR § 164.502(b) requires covered entities providing requested information to make reasonable efforts to limit protected health information to the minimum necessary to accomplish the intended purpose of the request. However, 45 CFR 164.514(d)(3)(iii)(A) allows covered entities to rely on the Division's representations that the information requested is the minimum necessary for the intended purpose. The Secretary of Health and Human Services has explained these rules more fully in the preamble to the final privacy regulations. You may read the preamble at: <http://www.hhs.gov/ocr/part2.html>.

Health care providers who render services to injured workers for compensable injuries are required by law to comply with the reporting requirements of the Wyoming Worker's Compensation Act. Pursuant to W.S. § 27-14-501(a), a health care provider or hospital shall file with the Division, without charge, a written medical report for each treatment or examination rendered. The Division requires that a supporting medical record accompany each bill submitted for consideration of payment. Bills received without medical records will not be processed and payment may be denied or withheld until the Division receives the required information. To expedite payment, I encourage you to continue to submit bills and medical records together.

I assure you that the medical reports you submit to the Division are secure. The information contained within those reports is considered "confidential" and may not be disclosed to anyone not a party to the respective workers' compensation case without signed authorization from the injured worker. Unauthorized disclosure by Division staff is punishable under Wyoming law.



Although the Division's primary responsibility is to administer the state's workers' compensation program pursuant to its statutory and regulatory requirements, the Division is ready to cooperate, as much as permissible under Wyoming law, with all health care providers in their efforts to comply with the requirements of HIPAA. As you develop the privacy notice required by HIPAA in 45 CFR § 164.520, I recommend that you include language notifying your workers' compensation patients that Wyoming law requires you to disclose health information to the Wyoming Workers' Safety and Compensation Division.

Useful information can be found on the following HIPAA-related web sites.

The HSS Office for Civil Rights home page:

<http://www.os.dhhs.gov/ocr/>

The American Medical Association's HIPAA web page:

<http://www.ama-sn.org/ama/pub/category/4234.html>

The Office for Civil Rights – HIPAA:

<http://www.hhs.gov/ocr/hipaa/privacy.html>

Sincerely,

Steve Czoschke  
Administrator

