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John Kempner
REGULATIONS COMPILER

STATEMENT OF EMERGENCY
803 KAR 25:010E
PROCEDURE FOR ADJUSTMENT OF CLAIMS

- (1) The Department of Workers' Claims must amend this administrative regulation by emergency to comply with Federal requirements of the Health Insurance Portability and Accountability Act privacy regulation which is effective April 14, 2003. The amendment will change Form 106, Medical Waiver and Consent Form. The changes are necessary to assist medical providers in complying with the HIPAA privacy regulation.
- (2) This emergency regulation will be followed by an ordinary administrative regulation.

Paul E. Patton

PAUL E. PATTON, GOVERNOR

4-14-03

DATE

Larry Greathouse

LARRY GREATHOUSE, COMMISSIONER
DEPARTMENT OF WORKERS CLAIMS

4-10-03

DATE

HIPAA AND NEW FORM 106

Beginning on April 14, 2003, most physicians were required to follow more stringent privacy requirements pursuant to the federal Health Insurance Portability and Accountability Act (HIPAA). It is important to remember, however, that disclosures for workers compensation are generally exempt from the HIPAA privacy requirements. 45 CFR 164.512(l).

Nonetheless, in an attempt to avoid needless delays, the Department Of Workers Claims, working in conjunction with groups such as the Kentucky Medical Association, has amended its Form 106, Medical Waiver And Consent. Of particular importance is a three paragraph summary of the relationship between Kentucky Workers' Compensation and HIPPA that appears on the front of the revised form 106.

Pursuant to KRS 342.020(8), this medical waiver must be executed by any person who reports a work-related injury or files a workers' compensation claim. A copy of the new form 106, effective immediately, can be found on our forms page at <http://www.labor.ky.gov/workersclaims/forms/>.