

**ADVISORY NO. 92**

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**TOPIC: MEDICAL RECORDS RELEASE FORMS USED BY CARRIERS**

A question has come up regarding the medical records release forms.

Article 8308-4.66(d) states:

A health care facility shall, on request of either the injured employee, the employee's attorney, or the insurance carrier, furnish records pertaining to treatment or hospitalization for which compensation is being sought. All charges for the furnishing of reports and records shall be subject to regulation by the commission; provided, however, such charges shall in no event be less than the fair and reasonable charge for the furnishing of the reports and records. A health care facility may disclose records to the insurance carrier of the affected employer pertaining to the diagnosis or treatment of an injured employee for purposes of determining the amount of payment or the entitlement to payment without the authorization of the injured employee.

The last sentence establishes the nature of records the health care facility can release to the carrier without specific authorization from the injured employee. Because this covers the majority of information which a health care facility will have available, there should be very few circumstances where a release is needed.

In those few circumstances when it is necessary to obtain the employee's authorization to release information from a health care facility or other health care provider, the insurance carrier should tell the employee:

1. Which workers' compensation injury the records are requested for; and
2. The issue prompting the carrier to request the employee to sign the medical release.

Attached are examples of a suggested cover letter to the claimant and a copy of a suggested medical release form.