

COMPENSATION PRACTICE & QUALITY DEPARTMENT

PRACTICE DIRECTIVE # C12-5

TOPIC: Authorization for Obtaining and Releasing Personal Information
ISSUE DATE: October 1, 2008
(Amended September 15, 2009)

Objective

This practice document provides guidance to WorkSafeBC officers regarding:

- the appropriate process for obtaining a worker's authorization for the release of personal information to WorkSafeBC; and,
- the requirements for obtaining a worker's or employer's authorization to release claim file information to a representative.

Law & Policy

(A) Obtaining Personal Information

Section 56 the *Workers Compensation Act* ("Act") requires every physician or qualified practitioner to submit a Form 8 to WorkSafeBC within 3 days after the date of the physician's or qualified practitioner's attendance on the worker.

Section 87 of the *Act* provides WorkSafeBC with the necessary powers to compel "the production and inspection of books, papers, documents and things."

(B) Authorization to Release Information (Representatives)

Section 94.1 of the *Act* grants provision for one person to act on behalf of another person (i.e., the worker or the employer). The representative may communicate with WorkSafeBC officers, the Review Division, and the Workers' Compensation Appeal Tribunal ("WCAT").

Section 95(3) of the *Act* provides a right of access to claim files and any other material pertaining to the claim of an injured or disabled worker to the Workers' Advisers Office and the Employers' Advisers Office.

COMPENSATION PRACTICE & QUALITY DEPARTMENT

(C) Disclosure of Issues Prior to Adjudication

Rehabilitation Services and Claims Manual, Volume II, Policy item #99.10, Disclosure of Issues Prior to Adjudication, states:

Written authorization is required in order to release information to any advocate, representative or other person designated by the worker or employer. Once received, the Board will cooperate with and notify workers' or employers' advocates or representatives of any decisions which have been made and communicated to the worker or employer.

Adjudicative Guidelines

(A) Authorization to Obtain Information

If a worker calls Teleclaim to register a new claim, and the claim is for a type of injury that is likely to be triaged to an Entitlement Officer or Case Manager, or where it is determined that, for whatsoever reason, information needs to be requested from a third party (e.g. a Doctor's office to request a medical report), a representative must send the worker a *Worker's Authorization for Release of Personal Information* form (Form 69W1) along with *Template Letter D0106*. Upon receipt of the worker's signed release, the Board Officer or designate may proceed with obtaining the required information from the third party.

The worker's signature on the *Worker's Authorization for Release of Personal Information* (Form 69W1) or the *Application for Compensation and Report of Injury or Occupational Disease* (Form 6) grants the WorkSafeBC officer authority to collect information pertinent to the claim. The authorization is only relevant to the designated claim. It cannot be transferred across claims.

When requesting **medical information**, copy and send the Form 69W1 in its entirety but **block out** the worker's social insurance number. For all other inquiries, **block out** the worker's social insurance number, date of birth, and personal health number.

With respect to the Form 6, it will continue to be accepted as a mechanism of claim registration and as such it will continue to be the authorization form on the claim file. **The entire Form 6, not just the signature portion at the bottom of the form, is to be sent out when requesting information for the claim.** It is important to ensure that the worker's privacy is protected. To do this WorkSafeBC Officers will need to **block out** certain information on the Form 6 prior to sending it out.

COMPENSATION PRACTICE & QUALITY DEPARTMENT

The following information may be **visible** for general enquiries:

- The worker's name
- The employer's name
- Any information regarding the nature and circumstances of the injury, if it is relevant to the enquiry
- Any information regarding the initial medical treatment, physician etc., if it is necessary to the enquiry
- Any earnings or benefits information, current employment status information etc., if it is necessary to the enquiry
- Any and all "Additional Information" provided by the worker, if it is necessary to the enquiry

The following information also needs to be visible when requesting medical information:

- Worker's Health Care Number
- Date of Birth
- Date of Injury

All of the rest of the information on the Form 6 should be blocked out.

BC Ambulance Service currently requires use of their *Authorization for the Release of Patient Care Information* form to obtain information specific to their services. The form is available on the BC Ambulance website:

<https://www.health.gov.bc.ca/exforms/bcas/2415.pdf>

The form should be completed, mailed to the worker for signature, and then returned to the WorkSafeBC officer who would then fax it to the number on the form.

(B) Authorization to Release Information

Workers and employers who want someone to act as their representative on a compensation matter have to provide written authorization. Authorization can be a completed and signed "*WorkSafeBC Authorization of Representative*" form (Form 63M4) from WorkSafeBC, the *WCAT Authorization of Representative* (Form W-13) or a letter providing the same information found on the forms.

In the case of a deceased worker, a party entitled to request a review/appeal under sections 96.3 or 241 of the *Act* may complete Part 1 of Form 63M4 in place of the worker.

COMPENSATION PRACTICE & QUALITY DEPARTMENT

In the case of a defunct employer, an organized group of employers (i.e. an Industry Association) who is deemed an employer under section 248 of the *Act* may complete Part 1 of Form 63M4 in place of the employer. WCAT and the Review Division maintain a list of "deemed employers".

The authorization enables WorkSafeBC, including the Review Division and WCAT, to disclose confidential information to the representative within the limitations outlined by the worker/employer under Part 3 of Form 63M4.

The completed and signed authorization **is valid for up to two years** from the date of signing unless it is replaced by a more current authorization.

Where more than one representative has been authorized by an employer or worker on the same claim number, **on the same matter**, executed on the same date, WorkSafeBC will consider that no authorization is valid. The claim owner will advise the employer or worker of the situation and advise them that communication can only be directly with them, and not the representative, until the issue of representation has been resolved.

Later authorizations supersede earlier ones.

When a worker dies, or an employer no longer has an active registration with WorkSafeBC, any authorizations of that party become void.

Authorizations that read: "valid until revoked" or "valid until further notice" are only valid for up to two years from the date of signing.

Currently, where an authorization is granted, it applies only to that specific claim. If the worker or employer wishes the representative to act for them on another claim they will need to provide a second authorization.

Authorizations received will be scanned into Claims Management System (CMS) and the details concerning the "Worker Representative" will be captured under the "Claim Participants" Tab as an "Other Party" Profile. The authorization will be indexed as "Authorization of Representative" and filed under "Key Forms".

When the representative changes the worker/employer will need to provide a new authorization. Conversely, the worker/employer may choose to cancel their representation.

More than one valid authorization may be on a file but each has to cover a separate matter and the scope of each authorization should be clear. This is particularly so for employers. For example, the employer may have one representative for a claims issue, a different one for a relief of costs issue and a third one for an appeal.

COMPENSATION PRACTICE & QUALITY DEPARTMENT

The authorization has to come from the worker or employer. WorkSafeBC will not consider an authorization from one representative attempting to authorize a second representative as a valid authorization.

Authorizations are not required for:

- members of the Legislative Assembly¹
- the Ombudsman²
- the Workers' and Employers' Advisers³

Inquiries made by a member of the Legislative Assembly, the Ombudsman and the Employers' or Workers' Advisers will not void a valid authorization.

CROSS REFERENCES:

RSCM Policy items #C99.10 and #C109.30

HISTORY:

This document replaces Practice Directive #C12-5, *Authorization of Representative* which became effective December 31, 2003, and was amended January 1, 2005 (formerly PD#63). This document was further amended on November 4, 2008, to clarify procedures/processes in Teleclaim when to obtain authorization, as well as to remove the requirement that Social Insurance Numbers be visible when requesting medical information. This document was again amended on May 8, 2009, to reflect changes to process/procedure as the result of the introduction of the Claims Management System (CMS), and amended once again on September 15, 2009, to stipulate that a worker's social insurance number had to be blocked out on the Form 69W1 when requesting medical information.

APPLICATION:

This item is intended to clarify existing corporate practice.

¹ *Freedom of Information and Protection of Privacy Act*, Section 33.2(g)

² *Rehabilitation Services & Claims Manual*, Volume II, Policy item #109.30

³ *Workers Compensation Act*, Section 95(3)