

Medical authorizations and reports

Signed authorizations

When a person makes a claim with ICBC, it is standard practice that he or she sign an authorization for the release of medical information. This authorization allows the practitioner to speak with a representative of ICBC or to send a copy of all medical records (including pre-accident records if appropriate) or to prepare a narrative report.

Since it is possible for a claim, especially one in litigation, to take months or years to resolve, it is important to understand that the signed authorization does not expire, although it may be revoked. Once ICBC is notified that consent has been revoked, the file is flagged so that no further use is made of the consent.

CL19

If there is no signed authorization or it has been revoked, ICBC is still entitled to receive a completed CL19 from the physician under Section 28 of the Insurance (Vehicle) Act.

Section 42 of the Insurance (Vehicle) Act makes it an offence to fail to comply with Section 28. Think of this if you are tempted to avoid or refuse to comply with a CL19 request. Remember your patient may need your accurate and prompt completion of paperwork in order to receive necessary benefits or payments or be able to return to work.

Medical and other records

Records and reports are normally requested when there are prior or current conditions that may affect the extent or recovery from injuries sustained in the accident. They may also be requested when, given the circumstances of the accident and the nature of the injuries, the recovery appears to be delayed or uses more therapy

beyond expected timelines and guidelines as published in the medical literature. Please note that the physician is responsible for providing legible records; if necessary, further information must be added to clarify abbreviations or illegible notes.

**Under the
authorization
signed by the
patient/claimant,
ICBC is entitled to
obtain a medical
history report
from MSP.**

Under the authorization signed by the patient/claimant, ICBC is entitled to obtain a medical history report from MSP. This report contains the date of health care visits paid by MSP along with the name of the practitioner and the diagnostic code for each service or treatment recorded on the report. The MSP medical history report may on occasion be requested prior to any request for a copy of clinical records.

Similarly, ICBC can request a copy of a prescription history from Pharmacare for consideration of reimbursement for any prescriptions related to injuries sustained in the accident. The report contains information on the prescription dispensed, date and quantity dispensed, and the name of the prescribing physician.

Privacy concerns

Medical records are confidential. ICBC's ability to collect, use, and dis-

close personal information is regulated by Sections 26 through 36 of the Freedom of Information and Protection of Privacy Act.

Physicians' collection and use of patient information in private medical offices is regulated by the Personal Information Protection Act (PIPA), Section 6 of which states that personal information about an individual must not be disclosed unless "the individual gives consent to the ...disclosure." As noted earlier, the CL19 is a special situation that does not require patient consent.

In my experience, there are rare occasions when the medical record contains sensitive personal information that the patient does not wish to have released and is not pertinent to the injuries or the recovery. I was able to resolve the problem by speaking with the patient and the adjuster. I encourage you to do the same if the situation arises. It is not appropriate or acceptable to just omit or black out those parts of the chart.

Both the College of Physicians and Surgeons of British Columbia and the Canadian Medical Protective Association have published information on privacy issues and are resources for any questions you may have about releasing patient information.

Should you have any questions or comments that we can address in future issues, please contact me at DrLaura.Jensen@ICBC.com.

—**Laura Jensen, MD**
ICBC Medical Community
Liaison

The opinions expressed in this article are those of the author and do not necessarily represent the position of the Insurance Corporation of British Columbia.