

Cherokee Nation Code Annotated

Title 85: Workers' Compensation

Chapter 1: General Provisions

§ 10. Medical information

Cite as: 85 CNCA § 10

A. Information obtained by the attending physician, surgeon, hospital or other medical facility or personnel while in attendance of an injured worker shall not be a privileged communication if such information is determined by the employer to be necessary for a proper understanding and evaluation of the claim.

B. The employer shall have the right to request a full and complete report and any and all records from the physician, surgeon, hospital or other medical facility or personnel at times and in the form and details as deemed necessary and shall have a right to present specific questions required to evaluate the claim.

C. By the employee's election to make a claim under this Title, the employee acknowledges the right of the employer to obtain such information. Each employee shall sign any and all releases and waivers as needed to enable the employer to obtain any and all related medical records. Receipt of benefits shall be denied until the employee signs the necessary paperwork.

D. The employer shall maintain all information obtained pursuant to this section as confidential information, except that the employer may release information to the claimant, the employer's insurance provider, a third-party administrator working on the case, the attorneys representing either the employer or any of the entities stated in this subsection, and any arbitrator reviewing the claim.

Historical Data

LA 08-04, eff. April 21, 2004. Amended LA 31-05, eff. October 16, 2005; LA 21-06, eff. October 19, 2006; LA 20-10, eff. August 15, 2010.