

11 NCAC 23A .0410 COMMUNICATION FOR MEDICAL INFORMATION

(a) When an employer seeks to communicate pursuant to G.S. 97-25.6(c)(2) with an employee's authorized health care provider in writing, without the express authorization of the employee, to obtain relevant medical information not available in the employee's medical records under G.S. 97-25.6(c)(1), the employer may use the Commission's Medical Status Questionnaire.

(b) When an employee seeks a protective order under G.S. 97-25.6(d)(4) or G.S. 97-25.6(f), the employee shall provide the following to the Commission:

- (1) the proposed written communication and any proposed additional information from which the employee seeks a protective order;
- (2) description of any attempt to resolve the issue cooperatively;
- (3) grounds for the protective order; and
- (4) any alternative methods to discover the information.

(c) When responding to an employee's request under G.S. 97-25.6(d)(4) or G.S. 97-25.6(f), for a protective order, the employer shall provide the following to the Commission:

- (1) the statutory provision on which the proposed communication is based;
- (2) description of any attempts which have been made to resolve the issue cooperatively;
- (3) description of any other attempts which have been made to obtain the relevant medical information; and
- (4) justification for the communication.

(d) When an employer seeks the Commission's authorization for other forms of communication pursuant to G.S. 97-25.6(g), the employer shall follow the procedures for motions in Rule .0609 of this Subchapter.

History Note: *Authority G.S. 97-25.6; 97-80(a);
Eff. November 1, 2014;
Recodified from 04 NCAC 10A .0410 Eff. June 1, 2018.*