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8.13 Confidentiality of Medical Information (COMIA)

Saint Mary's College of California

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8.13 Confidentiality of Medical Information (COMIA)

California’s Confidentiality of Medical Information Act (COMIA) protects the confidentiality of individually identifiable medical information created by health care providers. COMIA also sets forth limited circumstances in which release of such information to specified entities or individuals is permissible. Employers are prohibited from using or disclosing oral or written medical information pertaining to their employees without a written authorization from the affected employee. To be valid, such authorizations must comply with standards set forth in COMIA which require in part that the authorization be handwritten by the employee/patient who signs it or in typeface no smaller than eight-point type; clearly separated from any other language on the same page; signed only to release medical information and for no other purpose; and signed and dated by the employee/patient. The release may be cancelled or modified at any time, effective upon written notice to the employer.

Medical records protected under COMIA may include:

- a physician’s report
- lab results from a drug test
- family and medical leave request forms if the forms disclose the nature of the employee’s illness
- information about the employee’s disabilities which the College is accommodating under State or Federal disabilities laws
- Workers’ compensation records

To protect confidentiality of employee medical records, the College must maintain a separate file for each employee for information protected by privacy laws. Access to such information is restricted and will be granted only to those with a legitimate business or educational need to

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know (e.g., for administering employee benefit plans or in relation to a workers' compensation claim) or when disclosure is compelled by judicial process.