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**IDAPA 17
TITLE 03
CHAPTER 01**

**17.03.01 - REHABILITATION RULES OF THE INDUSTRIAL COMMISSION
UNDER THE WORKERS' COMPENSATION LAW**

000. LEGAL AUTHORITY.

These rules are adopted and promulgated by the Industrial Commission pursuant to the provisions of Section 72-508, Idaho Code. (7-1-93)

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17.03.01, "Rehabilitation Rules of the Industrial Commission Under the Workers' Compensation Law". (7-1-93)

002. WRITTEN INTERPRETATIONS.

No written interpretations of these rules exist. (7-1-93)

003. ADMINISTRATIVE APPEALS.

There is no administrative appeal from decisions of the Industrial Commission in workers' compensation matters, as the Commission is exempted from the contested cases provisions of the Administrative Procedure Act. (7-1-93)

004. -- 010. (RESERVED).

011. RULE GOVERNING PROTECTION AND DISCLOSURE OF REHABILITATION DIVISION RECORDS.

01. Policy. The Industrial Commission recognizes that correct use and safeguarding of the information made available to its Rehabilitation Division is an essential element of responsible administration. In order to assure that information obtained by the Rehabilitation Division will be used for rehabilitation purposes only and not in a way that may prove harmful -- medically, psychologically or otherwise -- to the claimant, cause unfavorable reaction toward a provider of information, or violate the confidentiality rules of any agency providing information as part of an interagency agreement, this rule has been adopted. (12-26-78)

02. Confidentiality. Any information obtained for rehabilitation purposes (including, but not limited to, consultant's notes, scientific or medical data, evaluations, or reports) which is deemed by the Administrator of the Rehabilitation Division to be of such nature that any disclosure would not be in the best interest of the claimant or any other Rehabilitation Division. (12-26-78)

03. Motion for Disclosure. Should a party, in an action in which Application for Hearing has been filed with the Industrial Commission, request access to any consultant's notes, scientific or medical data, evaluations, or reports contained in the files of the Rehabilitation Division and be denied such access for any reason, the party making such request may present to the commission a motion for an Order of Disclosure. Such a motion shall be accompanied by an affidavit specifically detailing the necessity for access to the matter contained in the files of the Rehabilitation Division. (12-26-78)

04. Requests From Other Agencies. If the information, consultant's notes, scientific or medical data, evaluations, or reports are in the possession of the Rehabilitation Division by reason of an agreement to comply with valid confidentiality regulations of any agency of the state of Idaho, or agency of the United States, disclosure shall be requested from the source agency, and not from the Rehabilitation Division. (12-26-78)

012. -- 999. (RESERVED).

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