IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

2000 MTWCC 4A

WCC No. 9904-8199

RUSSELL KLINE

Petitioner

vs.

FARMERS INSURANCE GROUP

Respondent/Insurer for

DIAMOND AUTO GLASS, INCORPORATED

Employer.

NUNC PRO TUNC ORDER

¶1 On January 18, 2000, the Court issued its order granting summary judgment dismissing petition. There is a typographical error at paragraph 10 in the *Linton* citation. The year used for section 50-16-311 (2)(e), MCA, is incorrect. The year should read 1983.

¶2 Therefore, the corrected portion of paragraph 10 should read:

> Claimant's further contention, which is argued in his brief, that insurers are prohibited from directly requesting medical information and opinions from claimant's medical providers is similarly without merit. In seeking benefits, the claimant waived his privilege with respect to medical information pertaining to his industrial injury. *Linton v. City of Great Falls,* 230 Mont. 122, 134, 749 P.2d 55, 63 (1988). Moreover, as pointed out in *Linton, Id*. at 133, 749 P.2d at 62, section 50-16-311(2)(e), MCA (1983), expressly provides that a claimant's consent is not required for release or transfer of medical information to a workers' compensation insurer. [Remainder of paragraph unchanged.]

DATED in Helena, Montana, this 9th day of March, 2000.

(SEAL)

\s\ Mike McCarter
JUDGE

c: Mr. Geoffrey C. Angel
Mr. Joe C. Maynard