

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 51

Introduced by Fulton, 29.

Read first time January 8, 2009

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to workers' compensation; to amend section
2 48-1,110, Revised Statutes Cumulative Supplement, 2008;
3 to provide that compensation court documents and
4 information are confidential; to provide exceptions; to
5 harmonize provisions; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Any Nebraska Workers' Compensation Court
2 document or information available by electronic means which reveals
3 the identity of an employee, the nature of an employee's alleged
4 injury, an employee's past or present medical condition, the extent
5 of an employee's disability, the amount, type, or duration of
6 benefits paid to an employee, or the application information for
7 self-insurance is confidential and not open to public inspection
8 or copying, except as otherwise provided in this section. The
9 compensation court shall deny any request to inspect or copy a
10 record that is confidential under this section unless:

11 (1) The requester is the employee who is the subject of
12 the record or an attorney or authorized agent of such employee.
13 An attorney or authorized agent of the employee shall provide a
14 written authorization from the employee for such inspection or
15 copying;

16 (2) The requester is the employer, insurance carrier,
17 or third-party administrator that is a party to the record or an
18 attorney or authorized agent of such employer, insurance carrier,
19 or third-party administrator. An attorney or authorized agent of an
20 employer, insurance carrier, or third-party administrator shall
21 provide a written authorization from the employer, insurance
22 carrier, or third-party administrator for such inspection or
23 copying;

24 (3) The information is used for the purpose of state or
25 federal investigations or examinations or for the state or federal

1 government to compile statistical information;

2 (4) The document requested is a pleading filed in a
3 compensation court docketed file, an exhibit offered and received
4 into evidence by the compensation court, or a final order, award,
5 or judgment of the compensation court; or

6 (5) The information identifies statistical information
7 as to the nature and number of injuries occurring regarding an
8 employer and does not reveal the identity, medical condition, or
9 disability of an employee.

10 Sec. 2. Section 48-1,110, Revised Statutes Cumulative
11 Supplement, 2008, is amended to read:

12 48-1,110 Sections 48-101 to 48-1,117 and section 1 of
13 this act shall be known and may be cited as the Nebraska Workers'
14 Compensation Act.

15 Sec. 3. Original section 48-1,110, Revised Statutes
16 Cumulative Supplement, 2008, is repealed.