

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 833

Introduced by Fulton, 29.

Read first time January 08, 2010

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to the Nebraska Workers' Compensation Act;
2 to amend section 48-1,110, Revised Statutes Cumulative
3 Supplement, 2008; to provide for confidentiality of
4 compensation court records as prescribed; to harmonize
5 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 record, regardless of physical form or characteristics, which
3 reveals the identity of an employee, the nature of an employee's
4 alleged injury, an employee's past or present medical condition,
5 the extent of an employee's disability, the amount, type, or
6 duration of benefits paid to an employee, or the application
7 information for self-insurance is confidential and not open to
8 public inspection or copying, except as otherwise provided in this
9 section and as necessary for the compensation court to administer
10 and enforce other provisions of the Nebraska Workers' Compensation
11 Act. The compensation court shall deny any request to inspect or
12 copy a record that is confidential under this section unless:

13 (1) The requester is the employee who is the subject of
14 the record or an attorney or authorized agent of that employee.
15 An attorney or authorized agent of the employee shall provide a
16 written authorization for inspection or copying from the employee
17 if requested by the compensation court;

18 (2) The requester is the employer, workers' compensation
19 insurer, risk management pool, or third-party administrator that
20 is a party to the record or an attorney or authorized agent of
21 such employer, workers' compensation insurer, risk management pool,
22 or third-party administrator. An attorney or authorized agent of
23 an employer, workers' compensation insurer, risk management pool,
24 or third-party administrator shall provide a written authorization
25 for inspection or copying from the employer, workers' compensation

1 insurer, risk management pool, or third-party administrator if
2 requested by the compensation court;

3 (3) The record will be used for the purpose of state or
4 federal investigation or examinations or for the state or federal
5 government to compile statistical information;

6 (4) The record requested is a pleading filed in a
7 compensation court docketed file, an exhibit offered and received
8 into evidence by the compensation court, or a final order, award,
9 or judgment of the compensation court; or

10 (5) The record requested identifies the number and nature
11 of any injuries to employees of an employer identified in the
12 request, or any benefits paid to such employees, without revealing
13 the identity of any employee or the medical condition or extent of
14 disability of any employee.

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

17 48-1,110 Sections 48-101 to 48-1,117 and section 1 of
18 this act shall be known and may be cited as the Nebraska Workers'
19 Compensation Act.

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