

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 272

Introduced by Fulton, 29.

Read first time January 11, 2011

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to the Nebraska Workers' Compensation Act; to
2 amend section 48-1,110, Reissue Revised Statutes of
3 Nebraska; to provide for confidentiality and limited
4 access to first-injury reports; to harmonize provisions;
5 and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) The report filed with the Nebraska
2 Workers' Compensation Court pursuant to section 48-144.01 is
3 confidential and not open to public inspection or copying, except as
4 otherwise provided in this section and as necessary for the
5 compensation court to administer and enforce other provisions of the
6 Nebraska Workers' Compensation Act. The compensation court shall deny
7 any request to inspect or copy the report that is confidential under
8 this section unless:

9 (a) The requester is the employee who is the subject of
10 the report or an attorney or authorized agent of that employee. An
11 attorney or authorized agent of the employee shall provide a written
12 authorization for inspection or copying from the employee if
13 requested by the compensation court;

14 (b) The requester is the employer, workers' compensation
15 insurer, risk management pool, or third-party administrator that is a
16 party to the report or an attorney or authorized agent of such party.
17 An attorney or authorized agent of a party shall provide a written
18 authorization for inspection or copying from the party if requested
19 by the compensation court;

20 (c) The requester is (i) an authorized agent, authorized
21 representative, attorney, investigator, consultant, or adjuster of an
22 insurance carrier or a third-party administrator who is involved in
23 administering any claim for insurance benefits related to any injury
24 of the employee whose report is filed with the compensation court or
25 (ii) an attorney representing a party to a lawsuit filed by or on

1 behalf of the employee whose report is filed with the compensation
2 court;

3 (d) The report 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 (e) The report requested is sought for the purpose of
7 identifying the number and nature of any injuries to employees of an
8 employer identified in the request without revealing the identity of
9 any employee; or

10 (f) Ordered by a court of competent jurisdiction.

11 (2) A person requesting a report pursuant to subdivision
12 (1)(c) of this section shall submit a request form to the clerk of
13 the compensation court. The request form shall be prescribed by the
14 compensation court.

15 Sec. 2. Section 48-1,110, Reissue Revised Statutes of
16 Nebraska, 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, Reissue Revised
21 Statutes of Nebraska, is repealed.