

One Hundred Third Legislature - Second Session - 2014

Introducer's Statement of Intent

LB731

Chairperson: Senator Steve Lathrop

Committee: Business and Labor

Date of Hearing: February 10, 2014

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 731 was introduced on behalf of a constituent in District 31 whose son started receiving an avalanche of solicitations from attorneys after he had fallen at work and filed a first injury report.

Under current law, first injury reports filed with the Nebraska Workers' Compensation Court are public and the Court is required to provide this information to the attorneys who pay for it.

LB 731 requires that information identifying an employee in a first injury report shall be confidential and not open to public inspection or copying.

First injury reports would not be open to public inspection or copying except as necessary for the Compensation Court to administer and enforce other provisions of the Nebraska Workers' Compensation Act or unless:

1. An employee elects to waive confidentiality;
2. The requestor is the employee who is the subject of the report or an attorney or authorized agent of the employee;
3. The requestor is the employer, workers' compensation insurer, risk management pool, or third-party administrator that is a party to the report or an attorney or authorized agent of such party;
4. The requestor is an authorized agent, authorized representative, attorney, investigator, consultant, or adjustor of an insurance carrier or a third-party administrator who is involved in administering any claim for insurance benefits related to any injury of the employee whose report is filed with the Compensation Court;
5. The report is used for the purpose of state or federal investigation or examinations or for the state or federal government to compile statistical information;
6. The report requested is a pleading filed with the compensation court; and
7. Release of the report is ordered by a court of competent jurisdiction.

Principal Introducer: _____

Senator Rick Kolowski

