

ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016
COMMITTEE STATEMENT
LB134

Hearing Date: Monday February 23, 2015
Committee On: Business and Labor
Introducer: Johnson
One Liner: Change provisions relating to first injury reports under the Nebraska Workers' Compensation Act

Roll Call Vote - Final Committee Action:
Indefinitely postponed

Vote Results:
Aye: 6 Senators Bloomfield, Crawford, Ebke, Harr, Howard, Johnson
Nay:
Absent: 1 Senator Chambers
Present Not Voting:

Verbal Testimony:

Proponents:

Senator Jerry Johnson
Bob Hallstrom

Korby Gilbertson
Theodore D. Fraizer

Opponents:

Dennis P. Crawford
Greg Coffey
Mike Dyer
John E. Corrigan
Frank Velinsky

Neutral:

Glenn Morton

Representing:

Introducer
Nebraskans for Workers' Compensation Equity & Fairness, National Federation of Independent Business, Greater Omaha Chamber of Commerce, and NCCI
Property Casualty Insurers Association of America
American Insurance Association

Representing:

Nebraska Association of Trial Attorneys
Self
Self
Nebraska State AFL-CIO
Self

Representing:

Nebraska Workers' Compensation Court

Summary of purpose and/or changes:

Sec. 1. requires first injury reports to kept confidential and not open to public inspection. The employee may elect to waive confidentiality, and also has the right to revoke that election. The court must deny any inspection requests unless an exception applies. The exceptions include: (1) when the requester is the injured employee or employee's attorney or agent, (2) when the requester is the employer or insurer, (3) when the requester is authorized by the insurer or third-party administrator who is involved in administering the claim or an attorney representing a party to the relevant lawsuit, (4) when the report will be used for an investigation or to compile statistical information, (5) when it will be used to identify the number and nature of injuries associated with a particular employer, (6) when the report is a pleading, (7) and when it is ordered by a court.
