



**House
Legislative
Analysis
Section**

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WORKER'S COMP: CONFIDENTIAL RECORDS

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House Bill 4415
Sponsor: Rep. Timothy Walberg
Committee: Labor

Complete to 4-26-89

A SUMMARY OF HOUSE BILL 4415 AS INTRODUCED 3-9-89

The bill would amend the Worker's Disability Compensation Act to provide for confidentiality of certain records retained by the Bureau of Worker's Disability Compensation and the Bureau of Safety and Regulation in the Department of Labor. Under the bill, the following records would be confidential and exempt from disclosure under the Freedom of Information Act:

a) Records submitted by an employer in support of its application for self-insured status, unless the employer provided a statement of its permission to release, disclose, or publish the information to named individuals or to the public in general.

b) Information concerning the injury of, and benefits paid to, an individual worker, including but not limited to, all forms, records, and reports concerning the injury or benefits, unless the employee provided a written statement indicating that the information could be released, disclosed, or published to named individuals or to the public in general. The bureaus could also release information to another governmental agency if the agency provided the Bureau of Worker's Disability Compensation with sufficient assurance that it would preserve the confidentiality of the information. The bureau or another agency could disclose the information if it determined that the individual was receiving benefits to which he or she was not entitled, as the result of receiving more than one benefit at the same time.

Under the bill, the respective bureaus could disclose or publish aggregate information for statistical or research purposes, as long as it was disclosed or published in such a way that the confidentiality of individual records was protected. They could also release individual records to an outside individual or agency for research purposes, if they were provided with sufficient assurance that the outside individual or agency would preserve the confidentiality of individual records.

The confidentiality provisions would not apply to any items that became part of the record of a formal hearing held before the director of the Bureau of Worker's Disability Compensation, its board of magistrates, appeal board or appellate commission. The provisions would be waived by an employee with respect to any employer named by that employee in an application for mediation or hearing. The provisions of the bill could not be construed to limit or restrict the right of an employee or an employer to have access to Bureau of Worker's Disability Compensation records concerning that employee or employer.

MCL 418.230

House Bill 4415 (4-26-89)