

SENATE BILL No. 240

March 9, 1989, Introduced by Senators DILLINGHAM, CHERRY, GEAKE, CROPSEY and DI NELLO and referred to the Committee on Human Resources and Senior Citizens.

A bill to amend Act No. 317 of the Public Acts of 1969, entitled as amended
"Worker's disability compensation act of 1969,"
as amended, being sections 418.101 to 418.941 of the Michigan Compiled Laws, by adding section 230.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 317 of the Public Acts of 1969, as
2 amended, being sections 418.101 to 418.941 of the Michigan
3 Compiled Laws, is amended by adding section 230 to read as
4 follows:

5 SEC. 230. (1) THE FOLLOWING RECORDS OF THE BUREAU AND THE
6 BUREAU OF SAFETY AND REGULATION ARE CONFIDENTIAL AND EXEMPT FROM
7 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, ACT NO. 442 OF
8 THE PUBLIC ACTS OF 1976, BEING SECTIONS 15.231 TO 15.246 OF THE
9 MICHIGAN COMPILED LAWS:

1 (A) RECORDS SUBMITTED BY AN EMPLOYER TO THE BUREAU IN
2 SUPPORT OF ITS APPLICATION FOR SELF-INSURED STATUS.

3 (B) INFORMATION CONCERNING THE INJURY OF AND BENEFITS PAID
4 TO AN INDIVIDUAL WORKER. THIS INCLUDES, BUT IS NOT LIMITED TO,
5 ALL FORMS, RECORDS, AND REPORTS FILED WITH OR MAINTAINED BY THE
6 BUREAU AND THE BUREAU OF SAFETY AND REGULATION CONCERNING THE
7 INJURY OF OR BENEFITS PAID TO A WORKER.

8 (2) THE BUREAU AND THE BUREAU OF SAFETY AND REGULATION MAY
9 RELEASE, DISCLOSE, OR PUBLISH CONFIDENTIAL INFORMATION DESCRIBED
10 IN SUBSECTION (1) UNDER THE FOLLOWING CIRCUMSTANCES:

11 (A) IN THE CASE OF SUBSECTION (1)(A), IF THE EMPLOYER PRO-
12 VIDES THE BUREAU WITH A STATEMENT OF ITS PERMISSION TO RELEASE
13 THE INFORMATION TO NAMED INDIVIDUALS OR TO THE PUBLIC IN
14 GENERAL.

15 (B) IN THE CASE OF SUBSECTION (1)(B), IF THE EMPLOYEE PRO-
16 VIDES THE BUREAU WITH A WRITTEN STATEMENT INDICATING THAT THE
17 INFORMATION MAY BE RELEASED TO NAMED INDIVIDUALS OR TO THE PUBLIC
18 IN GENERAL.

19 (C) IN THE CASE OF SUBSECTION (1)(A) OR (1)(B), THE RESPEC-
20 TIVE BUREAUS MAY DISCLOSE OR PUBLISH AGGREGATE INFORMATION FOR
21 STATISTICAL OR RESEARCH PURPOSES SO LONG AS IT IS DISCLOSED OR
22 PUBLISHED IN SUCH A WAY THAT THE CONFIDENTIALITY OF INDIVIDUAL
23 RECORDS IS PROTECTED. THEY MAY ALSO RELEASE INDIVIDUAL RECORDS
24 TO AN OUTSIDE INDIVIDUAL OR AGENCY FOR RESEARCH PURPOSES IF THEY
25 ARE PROVIDED WITH SUFFICIENT ASSURANCE THAT THE OUTSIDE INDIVID-
26 UAL OR AGENCY WILL PRESERVE THE CONFIDENTIALITY OF INDIVIDUAL
27 RECORDS.

1 (D) IN THE CASE OF SUBSECTION (1)(B), THE BUREAUS MAY
2 RELEASE INFORMATION TO ANOTHER GOVERNMENTAL AGENCY IF THE GOVERN-
3 MENTAL AGENCY PROVIDES THE BUREAU WITH SUFFICIENT ASSURANCE THAT
4 IT WILL PRESERVE THE CONFIDENTIALITY OF THE INFORMATION. THE
5 BUREAU OR ANOTHER AGENCY MAY DISCLOSE THE INFORMATION IF IT
6 DETERMINES THAT THE INDIVIDUAL IS RECEIVING BENEFITS TO WHICH HE
7 OR SHE IS NOT ENTITLED AS THE RESULT OF RECEIVING MORE THAN 1
8 BENEFIT AT THE SAME TIME.

9 (3) THE CONFIDENTIALITY PROVIDED FOR IN SUBSECTION (1) SHALL
10 NOT APPLY TO ANY ITEMS THAT BECOME PART OF THE RECORD OF A FORMAL
11 HEARING HELD BEFORE THE DIRECTOR, THE BOARD OF MAGISTRATES, THE
12 WORKER'S COMPENSATION APPEAL BOARD, OR THE WORKER'S COMPENSATION
13 APPELLATE COMMISSION.

14 (4) THE CONFIDENTIALITY PROVIDED FOR IN THIS SECTION SHALL
15 BE WAIVED BY AN EMPLOYEE WITH RESPECT TO ANY EMPLOYER NAMED BY
16 THAT EMPLOYEE IN AN APPLICATION FOR MEDIATION OR HEARING.

17 (5) THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT OR RESTRICT
18 THE RIGHT OF AN EMPLOYEE OR AN EMPLOYER TO HAVE ACCESS TO RECORDS
19 MAINTAINED BY THE BUREAU CONCERNING THAT EMPLOYEE OR EMPLOYER.