

HOUSE BILL No. 5675

April 9, 1990, Introduced by Reps. Walberg, Fitzgerald, London, Nye, Sparks, Willis Bullard, DeLange, Dunaskiss, Middaugh and Jaye and referred to the Committee on Labor.

A bill to amend section 230 of Act No. 317 of the Public Acts of 1969, entitled as amended
"Worker's disability compensation act of 1969,"
as added by Act No. 109 of the Public Acts of 1989, being section 418.230 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 230 of Act No. 317 of the Public Acts of
2 1969, as added by Act No. 109 of the Public Acts of 1989, being
3 section 418.230 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 230. (1) Except as otherwise provided in this section,
6 the following records are confidential and exempt from disclosure
7 under the freedom of information act, Act No. 442 of the Public
8 Acts of 1976, being sections 15.231 to 15.246 of the Michigan
9 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 OR THE ACCIDENT FUND concerning the injury of or benefits
7 paid to a worker.

8 (2) The bureau OR THE ACCIDENT FUND may release, disclose,
9 or publish information described in subsection (1) under the fol-
10 lowing circumstances:

11 (a) In the case of subsection (1)(a) or (1)(b), the bureau
12 OR THE ACCIDENT FUND may disclose or publish aggregate informa-
13 tion for statistical or research purposes so long as it is dis-
14 closed or published in such a way that the confidentiality of
15 information concerning individual workers and the financial
16 records of individual self-insured employers is protected. The
17 bureau OR THE ACCIDENT FUND may also release individual records
18 to a recognized academic or scholarly institution for research
19 purposes if it is provided with sufficient assurance that the
20 outside individual or agency will preserve the confidentiality of
21 information concerning individual workers and the financial
22 records of individual self-insured employers.

23 (b) In the case of subsection (1)(b), the bureau OR THE
24 ACCIDENT FUND may release information to another governmental
25 agency if the governmental agency provides the bureau OR THE
26 ACCIDENT FUND with sufficient assurance that it will preserve the
27 confidentiality of the information. The other agency may use

1 this information to determine the eligibility of an individual
2 for benefits provided or regulated by that agency. The bureau,
3 THE ACCIDENT FUND, or another agency may disclose the information
4 if it determines that the individual is receiving benefits to
5 which he or she is not entitled as the result of receiving more
6 than 1 benefit at the same time.

7 (c) Except as otherwise provided, information disclosed in
8 accordance with subdivision (a) or (b) shall continue to be
9 exempt from disclosure under the freedom of information act, Act
10 No. 442 of the Public Acts of 1976.

11 (3) The confidentiality provided for in subsection (1) shall
12 not apply to records maintained by the bureau OR THE ACCIDENT
13 FUND which are part of or directly related to a contested case.
14 For the purposes of this subsection, a matter shall be considered
15 a contested case when it is the subject of a request for a formal
16 hearing before the director or an application filed in accordance
17 with section 847.

18 (4) Any employee shall be entitled to inspect and obtain a
19 copy of any record maintained by the bureau OR THE ACCIDENT FUND
20 concerning himself or herself. Any employer shall be entitled to
21 inspect and obtain a copy of any record maintained by the bureau
22 OR THE ACCIDENT FUND concerning itself.

23 (5) The confidentiality provided for in subsection (1)(a)
24 shall not apply to the records of a self-insured employer that
25 becomes unable to pay benefits under this act due to insolvency
26 or declaration of bankruptcy.

1 (6) This section shall not limit the power of a court of law
2 to subpoena records relevant to a matter pending before it.