

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 6005

(As amended by the Senate, July 9, 2002)

A bill to amend 1969 PA 317, entitled
"Worker's disability compensation act of 1969,"
by amending section 230 (MCL 418.230), as amended by 2000 PA
396.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 230. (1) Except as otherwise provided in this section,
2 the following records are confidential and exempt from disclosure
3 under the freedom of information act, 1976 PA 442, MCL 15.231 to
4 15.246:

5 (a) Records submitted by an individual employer or a group
6 of employers to the bureau in support of an application for
7 self-insured status in the manner provided in section 611.

8 (b) Information concerning the injury of and benefits paid
9 to an individual worker. This includes, but is not limited to,

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1 all forms, records, and reports filed with or maintained by the
2 bureau concerning the injury of or benefits paid to a worker.

3 (c) Worker's disability compensation insurance policy infor-
4 mation submitted to the bureau by an individual employer or group
5 of employers in accordance with section 615 or a notice of issu-
6 ance of a policy submitted to the bureau by an insurer in accord-
7 ance with section 625.

8 (2) The bureau may release, disclose, or publish information
9 described in subsection (1) under the following circumstances:

10 (a) In the case of subsection (1)(a), (b), or (c), the
11 bureau may disclose or publish aggregate information for statis-
12 tical or research purposes so long as it is disclosed or pub-
13 lished in such a way that the confidentiality of information con-
14 cerning individual workers and the financial records of individ-
15 ual employers or self-insured employers or insurers is
16 protected. The bureau may also release individual records to a
17 recognized academic or scholarly institution for research pur-
18 poses if it is provided with sufficient assurance that the out-
19 side individual or agency will preserve the confidentiality of
20 information concerning individual workers and the financial
21 records of individual self-insured employers.

22 (b) In the case of subsection (1)(b), the bureau may release
23 information to another governmental agency if the governmental
24 agency provides the bureau with sufficient assurance that it will
25 preserve the confidentiality of the information. The other
26 agency may use this information to determine the eligibility of
27 an individual for benefits provided or regulated by that agency.

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1 The bureau or another agency may disclose the information if it
2 determines that the individual is receiving benefits to which he
3 or she is not entitled as the result of receiving more than 1
4 benefit at the same time.

5 (c) Except as otherwise provided, information disclosed in
6 accordance with subdivision (a) or (b) shall continue to be
7 exempt from disclosure under the freedom of information act, 1976
8 PA 442, MCL 15.231 to 15.246.

9 (d) In the case of subsection (1)(b), the bureau may release
10 individual records to a nonprofit health care corporation, as
11 defined in section 105 of the nonprofit health care corporation
12 reform act, 1980 PA 350, MCL 550.1105, for the sole purpose of
13 determining financial liability for the payment of benefits pro-
14 vided by the corporation. Any information provided to the non-
15 profit health care corporation shall be confidential, as provided
16 in section 406 of the nonprofit health care corporation reform
17 act, 1980 PA 350, MCL 550.1406. In a dispute over who assumes
18 liability for the payment of benefits for a particular claim, the
19 nonprofit health care corporation shall initiate payment of bene-
20 fits pending resolution of the dispute.

21 (e) In the case of subsection (1)(c), in response to a
22 request that pertains to a specific employer and includes the
23 employer's address and the date of injury of the claim for which
24 the information is requested, the bureau may disclose the name
25 and address of the insurer that, according to the records of the
26 bureau, provided coverage on the date ~~on~~ OF injury, but shall

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1 not disclose the effective date or expiration date of the
2 policy.

3 (3) The confidentiality provided for in subsection (1)
4 ~~shall~~ DOES not apply to records maintained by the bureau
5 ~~which~~ THAT are part of or directly related to a contested
6 case. For the purposes of this subsection, a matter shall be
7 considered a contested case when it is the subject of a request
8 for a formal hearing before the director or an application filed
9 in accordance with section 847.

10 (4) Any employee ~~shall be~~ IS entitled to inspect and
11 obtain a copy of any record maintained by the bureau concerning
12 himself or herself. Any employer ~~shall be~~ IS entitled to
13 inspect and obtain a copy of any record maintained by the bureau
14 concerning itself.

15 (5) The confidentiality provided for in subsection (1)(a)
16 ~~shall~~ DOES not apply to the records of a self-insured employer
17 that becomes unable to pay benefits under this act due to insol-
18 vency or declaration of bankruptcy.

19 (6) This section ~~shall~~ DOES not limit the power of a court
20 of law to subpoena records relevant to a matter pending before
21 it.

22 (7) NOTWITHSTANDING THIS SECTION, THE BUREAU SHALL RELEASE
23 INFORMATION TO THE IV-D AGENCY IN ACCORDANCE WITH SECTION 4 OF
24 THE OFFICE OF CHILD SUPPORT ACT, 1971 PA 174, MCL 400.231 TO
25 400.239. AS USED IN THIS SUBSECTION, "IV-D AGENCY" MEANS THAT
26 TERM AS DEFINED IN SECTION 2 OF THE SUPPORT AND PARENTING TIME
27 ENFORCEMENT ACT, 1982 PA 295, MCL 552.602.

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1 Enacting section 1. This amendatory act takes effect December
2 1, 2002.