

SENATE BILL No. 1451

October 6, 2004, Introduced by Senator HAMMERSTROM and referred to the Committee on Families and Human Services.

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 2002 PA 566.

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 of
6 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 to
9 an individual worker. This includes, but is not limited to, all
10 forms, records, and reports filed with or maintained by the

1 bureau concerning the injury of or benefits paid to a worker.

2 (c) Worker's disability compensation insurance policy
3 information submitted to the bureau by an individual employer or
4 group of employers in accordance with section 615 or a notice of
5 issuance of a policy submitted to the bureau by an insurer in
6 accordance with section 625.

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

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

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

1 determines that the individual is receiving benefits to which he
2 or she is not entitled as the result of receiving more than 1
3 benefit at the same time.

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

8 (d) In the case of subsection (1)(b), the bureau may release
9 individual records to a ~~nonprofit~~ health care corporation, as
10 defined in section 105 of the nonprofit health care corporation
11 reform act, 1980 PA 350, MCL 550.1105, for the sole purpose of
12 determining financial liability for the payment of benefits
13 provided by the **health care** corporation. Any information
14 provided to the ~~nonprofit~~ health care corporation shall be
15 confidential, as provided in section 406 of the nonprofit health
16 care corporation reform act, 1980 PA 350, MCL 550.1406. In a
17 dispute over who assumes liability for the payment of benefits
18 for a particular claim, the nonprofit health care corporation
19 shall initiate payment of benefits pending resolution of the
20 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 of injury, but shall not
27 disclose the effective date or expiration date of the policy.

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

7 (4) Any employee is entitled to inspect and obtain a copy of
8 any record maintained by the bureau concerning himself or
9 herself. Any employer is entitled to inspect and obtain a copy
10 of any record maintained by the bureau concerning itself.

11 (5) The confidentiality provided for in subsection (1)(a)
12 does not apply to the records of a self-insured employer that
13 becomes unable to pay benefits under this act due to insolvency
14 or declaration of bankruptcy.

15 (6) This section does not limit the power of a court of law
16 to subpoena records relevant to a matter pending before it.

17 (7) Notwithstanding this section, the bureau shall release
18 information, **including information that identifies individuals**
19 **asserting a claim for worker's compensation benefits and the**
20 **responsible carrier or fund created under section 501,** to the
21 **title IV-D agency** in accordance with ~~section 4 of~~ the office of
22 child support act, 1971 PA 174, MCL 400.231 to ~~400.239~~ **400.240,**
23 **and the support and parenting time enforcement act, 1982 PA 295,**
24 **MCL 552.601 to 552.650.** As used in this subsection, "title
25 IV-D agency" means that term as defined in section 2 of the
26 support and parenting time enforcement act, 1982 PA 295,
27 MCL 552.602.