



Ninety-Eighth Legislature - First Session - 2003
Introducer's Statement of Intent
LB 483

Chairperson: Floyd P. Vrtiska
Committee: Business and Labor
Date of Hearing: February 3, 2003

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 483 amends Neb. Rev. Stat. §48-146.02 to provide that an employee must provide his or her employer or its insurance carrier, upon request, with a patient waiver, entitling the employer or its insurer to obtain all of the employee's previous hospital and medical records.

Currently, section 48-146.02 imposes an obligation upon an employer and its insurance carrier to promptly investigate workers compensation claims filed by employees. Failure to promptly investigate workers compensation claims can lead to the revocation of an insurance license or self-insured status. Accordingly, employers and their insurance carriers should be provided with the means to promptly investigate claims.

The patient waiver required under LB 483 will allow an employer or its insurance carrier to review an employee's prior hospital and medical records enabling them to make prompt decisions regarding the compensability of a claim. Presently, the employer and its insurance carrier have limited means with which to obtain an employee's previous medical records in the absence of a release and must generally wait until litigation is commenced in order to obtain the records through discovery. Even then a

subpoena may not be useful if the doctors are located outside the State of Nebraska.

The consequences of an employee failing to provide the employer or its insurance carrier with a patient waiver upon request is that the 30-day period within which to pay benefits is tolled for the purpose of potential penalties arising under Neb. Rev. Stat. §48-125.

LB 483 would reduce the cost of litigation because it will minimize the need to obtain subpoenas, and in the case of out-of-state medical providers, will reduce the need to file lawsuits in other jurisdictions to obtain proper subpoenas from that state. LB 483 should reduce the cost of workers compensation litigation, expedite the claim investigation process and enable employers and their insurance carriers to make informed decisions regarding compensability prior to the commencement of litigation.

Principal Introducer:

Senator Donald W. Pederson