One Hundred Eighth Legislature - First Session - 2023

Introducer's Statement of Intent

LB203

Chairperson: Senator Merv Riepe

Committee: Business and Labor

Date of Hearing: March 06, 2023

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

LB203 amends Neb.Rev.Stat. § 48-146.02 to provide that an employee filing a claim for worker's compensation benefits must provide the employer, compensation insurer, risk management pool, or self-insurer, upon request, a patient waiver entitling the employer, compensation insurer, risk management pool, or self-insurer to obtain all the employee's previous hospital and medical records.

Under current law, § 48-146.02 imposes an obligation upon an employer, compensation insurer, risk management pool, or self-insurer 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 investigate claims in a timely fashion. LB203 is designed to provide employers and their insurance companies with the means to timely investigate claims for workers' compensation benefits.

The legislation provides protection for "sensitive" medical records by providing that records relating to an employee's previous treatment for sexual abuse, human immunodeficiency virus, reproductive health conditions, mental health conditions unless seeking benefits for mental health injuries, or alcohol or controlled substance abuse would not be subject to disclosure pursuant to the patient waiver.

The consequences under LB203 for an employee who does not 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, eliminating the potential risk of penalties for the employer under Neb.Rev.Stat. § 48-125.

Principal Introducer: _____

Senator Merv Riepe