

# HOUSE BILL No. 6224

June 5, 2008, Introduced by Reps. Rick Jones, Agema, Robertson, Elsenheimer, Rocca, Steil, Knollenberg, Stahl, Mayes, LaJoy, Opsommer, Pearce, Marleau, Garfield, Hoogendyk, Sheen and Amos and referred to the Committee on Oversight and Investigations.

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,  
and by adding section 307.

## 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~~ **WORKERS' COMPENSATION AGENCY** in support of  
7       an application for self-insured status in the manner provided in  
8       section 611.

1 (b) Information concerning the injury of and benefits paid to  
2 an individual worker. This includes, but is not limited to, all  
3 forms, records, and reports filed with or maintained by the ~~bureau~~  
4 **WORKERS' COMPENSATION AGENCY** concerning the injury of or benefits  
5 paid to a worker.

6 (c) Worker's disability compensation insurance policy  
7 information submitted to the ~~bureau~~**WORKERS' COMPENSATION AGENCY** by  
8 an individual employer or group of employers in accordance with  
9 section 615 or a notice of issuance of a policy submitted to the  
10 ~~bureau~~**WORKERS' COMPENSATION AGENCY** by an insurer in accordance  
11 with section 625.

12 (2) The ~~bureau~~**WORKERS' COMPENSATION AGENCY** may release,  
13 disclose, or publish information described in subsection (1) under  
14 the following circumstances:

15 (a) In the case of subsection (1)(a), (b), or (c), the ~~bureau~~  
16 **WORKERS' COMPENSATION AGENCY** may disclose or publish aggregate  
17 information for statistical or research purposes so long as it is  
18 disclosed or published in such a way that the confidentiality of  
19 information concerning individual workers and the financial records  
20 of individual employers or self-insured employers or insurers is  
21 protected. The ~~bureau~~**WORKERS' COMPENSATION AGENCY** may also release  
22 individual records to a recognized academic or scholarly  
23 institution for research purposes if it is provided with sufficient  
24 assurance that the outside individual or agency will preserve the  
25 confidentiality of information concerning individual workers and  
26 the financial records of individual self-insured employers.

27 (b) In the case of subsection (1)(b), the ~~bureau~~**WORKERS'**

1 **COMPENSATION AGENCY** may release information to another governmental  
2 agency if the governmental agency provides the ~~bureau-WORKERS'~~  
3 **COMPENSATION AGENCY** with sufficient assurance that it will preserve  
4 the confidentiality of the information. The other agency may use  
5 this information to determine the eligibility of an individual for  
6 benefits provided or regulated by that agency. The ~~bureau-WORKERS'~~  
7 **COMPENSATION AGENCY** or another agency may disclose the information  
8 if it determines that the individual is receiving benefits to which  
9 he or she is not entitled as the result of receiving more than 1  
10 benefit at the same time.

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

15 (d) In the case of subsection (1)(b), the ~~bureau-WORKERS'~~  
16 **COMPENSATION AGENCY** may release individual records to a ~~nonprofit~~  
17 health care corporation, as defined in section 105 of the nonprofit  
18 health care corporation reform act, 1980 PA 350, MCL 550.1105, for  
19 the sole purpose of determining financial liability for the payment  
20 of benefits provided by the corporation. Any information provided  
21 to the ~~nonprofit~~-health care corporation shall be confidential, as  
22 provided in section 406 of the nonprofit health care corporation  
23 reform act, 1980 PA 350, MCL 550.1406. In a dispute over who  
24 assumes liability for the payment of benefits for a particular  
25 claim, the ~~nonprofit~~-health care corporation shall initiate payment  
26 of benefits pending resolution of the dispute.

27 (e) In the case of subsection (1)(c), in response to a request

1 that pertains to a specific employer and includes the employer's  
2 address and the date of injury of the claim for which the  
3 information is requested, the ~~bureau~~**WORKERS' COMPENSATION AGENCY**  
4 may disclose the name and address of the insurer that, according to  
5 the records of the ~~bureau~~**WORKERS' COMPENSATION AGENCY**, provided  
6 coverage on the date of injury, but shall not disclose the  
7 effective date or expiration date of the policy.

8 (3) The confidentiality provided for in subsection (1) does  
9 not apply to records maintained by the ~~bureau~~**WORKERS' COMPENSATION**  
10 **AGENCY** that are part of or directly related to a contested case.  
11 For the purposes of this subsection, a matter shall be considered a  
12 contested case when it is the subject of a request for a formal  
13 hearing before the director or an application filed in accordance  
14 with section 847.

15 (4) Any employee is entitled to inspect and obtain a copy of  
16 any record maintained by the ~~bureau~~**WORKERS' COMPENSATION AGENCY**  
17 concerning himself or herself. Any employer is entitled to inspect  
18 and obtain a copy of any record maintained by the ~~bureau~~**WORKERS'**  
19 **COMPENSATION AGENCY** concerning itself.

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

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

26 (7) Notwithstanding this section, the ~~bureau~~**WORKERS'**  
27 **COMPENSATION AGENCY** shall release information to the **TITLE IV-D**

1 agency in accordance with section 4 of the office of child support  
2 act, 1971 PA 174, MCL ~~400.231 to 400.239~~ **400.234**. As used in this  
3 subsection, "**TITLE** IV-D agency" means that term as defined in  
4 section 2 of the support and parenting time enforcement act, 1982  
5 PA 295, MCL 552.602.

6 (8) NOTWITHSTANDING SUBSECTION (1), AN OFFICER OR EMPLOYEE OF  
7 THE WORKER'S COMPENSATION AGENCY WHO RECEIVES INFORMATION  
8 INDICATING OR GIVING REASON TO BELIEVE THAT A CLAIM FOR BENEFITS  
9 UNDER THIS ACT HAS BEEN FILED BY AN UNDOCUMENTED ALIEN SHALL  
10 IMMEDIATELY REPORT THAT INFORMATION TO EITHER THE FEDERAL BUREAU OF  
11 INVESTIGATION OR THE FEDERAL IMMIGRATION AND NATURALIZATION  
12 SERVICE.

13 SEC. 307. NO COMPENSATION SHALL BE PAID UNDER THIS ACT FOR AN  
14 INJURY SUSTAINED BY AN EMPLOYEE IF ALL OF THE FOLLOWING  
15 CIRCUMSTANCES ARE PRESENT:

16 (A) THE EMPLOYEE IS AN UNDOCUMENTED ALIEN WHO IS NOT PERMITTED  
17 TO WORK IN THE UNITED STATES UNDER FEDERAL LAW.

18 (B) THE EMPLOYEE PRESENTED FRAUDULENT IDENTIFICATION TO THE  
19 EMPLOYER.

20 (C) THE EMPLOYER DID NOT KNOW AND HAD NO REASON TO BELIEVE  
21 THAT THE EMPLOYEE WAS NOT PERMITTED TO WORK IN THE UNITED STATES.