

BILL ANALYSIS

Senate Research Center

H.B. 3139
By: Brimer (Ratliff)
Economic Development
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Engrossed

DIGEST

The current confidentiality requirements under Section 403.083(a) of the Labor Code only apply to information contained in or derived from an injured employee's claim file maintained by the Texas Workers' Compensation Commission (commission). This protection does not extend to claim information contained in an employer's personnel files if that information was not obtained or derived from a commission claim file. Therefore, an employer may disclose certain information regarding an employee's claim history. Additionally, the commission's Safety Violations Hotline, which provides a means for citizens to report violations of health or safety law, does not protect the identity of a caller from an open records request under the Texas Public Information Act. When calls are made anonymously, investigators are unable to obtain additional information regarding the complaint and in some instances cannot begin an investigation due to insufficient information. Finally, certain information obtained by the director of self-insurance regulation and the Risk Management Division of the commission are also subject to the Texas Public Information Act. This bill will provide additional regulations regarding the confidentiality of certain workers' compensation information.

PURPOSE

As proposed, H.B. 3139 provides additional regulations regarding the confidentiality of certain workers' compensation information.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 402.083(a), Labor Code, to provide that information regarding an employee's workers' compensation injury, including information in or derived from a claim file and information regarding an injured employee's claim, is confidential and may not be disclosed by the Texas Workers' Compensation Commission (commission) or any other person or entity except as provided by this subtitle.

SECTION 2. Amends Section 402.086(a), Labor Code, to make conforming changes.

SECTION 3. Amends Chapter 407A, by adding Section 407.0445, as follows:

Sec. 407.0445. CONFIDENTIALITY OF CERTAIN INFORMATION. Authorizes an employer applying to self-insure under Chapter 407 or having a certificate to self-insure under Chapter 407, to request, at any time, that financial statements submitted to the director of self-insurance regulation be designated by the director as confidential. Provides that, if the director of self-insurance regulation agrees with the request and grants the designation to certain financial statements, the information is not open for public disclosure and shall be exempt from the disclosure requirements under Chapter 552, Government Code.

SECTION 4. Amends Section 411.081, Labor Code, by adding Subsection (c), to provide that all information contained in the commission's files regarding reports made through the telephone hotline, including the identity of a person who reports a violation under this section, is confidential for purposes of Chapter 552, Government Code, and may not be disclosed to the public or released by

the commission except as provided by Section 402.085.

SECTION 5. Amends Section 412.005, Labor Code, by adding Subsection (c), to provide that information relating to an open claim that is reported to the director under this section by the office of the attorney general is exempt from the disclosure requirements imposed under Chapter 552, Government Code.

SECTION 6. Effective date: September 1, 1997.

SECTION 7. Emergency clause.
Effective date: upon passage.