

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1929

By: Dorman

AS INTRODUCED

An Act relating to workers' compensation; making certain records exempt from disclosure under the Open Records Act under certain circumstances; amending 85 O.S. 2001, Section 24.1, which relates to employer's record of injuries; making certain records confidential under certain circumstances; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24A.29 of Title 51, unless there is created a duplication in numbering, reads as follows:

Except as otherwise provided by this section, the Workers' Compensation Court shall keep confidential all records filed pursuant to Section 24.1 of Title 85 of the Oklahoma Statutes, known as an employer's first notice of injury. However, if an injured employee files an employee's first notice of injury and claim for compensation, as required by Section 26 of Title 85 of the Oklahoma Statutes, the employer's first notice of injury for the same injury may be made available to the public as otherwise provided for by law. Nothing in this section shall prohibit the Administrator of the Workers' Compensation Court from accessing an employer's first notice of injury.

SECTION 2. AMENDATORY 85 O.S. 2001, Section 24.1, is amended to read as follows:

Section 24.1 A. Every employer shall keep a record of injuries, which result in the loss of time beyond the shift or which

require medical attention away from the work site, fatal or otherwise, ~~received~~ incurred by ~~his~~ employees in the course of their employment for the employer.

B. Within ten (10) days or a reasonable time thereafter, after the occurrence of such injury a report thereof shall be made in writing by the employer to the Court and to the employer's workers' compensation insurance carrier, if any, upon blanks to be procured from the Court for that purpose. Such reports shall state the name and nature of the business of the employer, the location of ~~his~~ the establishment or place of work of the employer, the name, address and occupation of the injured employee, the time, nature, and cause of the injury and such other information as may be required by the Administrator. Such reports shall be kept confidential by the Administrator, except as otherwise provided by this section. If an injured employee files an employee's first notice of injury and claim for compensation, as provided by Section 26 of this title, then the employer's first notice of injury filed for the same injury shall be made available to the public as otherwise provided for by law. Nothing in this section shall prohibit the Administrator of the Workers' Compensation Court from accessing an employer's first notice of injury.

C. Any employer who refuses or neglects to make a report as required by this section shall be liable for an administrative violation and subject to a fine by the Administrator of not more than One Thousand Dollars (\$1,000.00).

SECTION 3. This act shall become effective November 1, 2005.

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