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State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. 1171

February 19, 2007

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to labor; modifying data practices provisions in the Department of Labor
1.3 and Industry; amending Minnesota Statutes 2006, sections 13.7905; 13.791,
1.4 subdivision 1; 175.10; 175.16, by adding a subdivision; 175.27; 175A.06;
1.5 176.138; 176.181, subdivision 8; 176.186; 176.231, subdivision 9; 176.391,
1.6 subdivision 3; proposing coding for new law in Minnesota Statutes, chapter
1.7 175; repealing Minnesota Statutes 2006, sections 175.24; 176.231, subdivision
1.8 8; 176.401; 176.421, subdivision 7.

1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10 Section 1. Minnesota Statutes 2006, section 13.7905, is amended to read:

1.11 13.7905 LABOR AND INDUSTRY DATA CODED ELSEWHERE.

1.12 Subdivision 1. Scope. The sections referred to in subdivisions 2 to 6 7 are codified
1.13 outside chapter 13. Those sections classify labor and industry data as other than public,
1.14 place restrictions on access to government data, or involve data sharing.

1.15 Subd. 2. Department of Labor and Industry. (a) Workers' Compensation

1.16 Division Data. Disclosure of proceedings of the Workers' Compensation Division

1.17 Classification and disclosure of workers' compensation data in chapter 176 is governed
1.18 by section 175.10 175.40.

1.19 (b) Computer access to data. Computer access to and electronic data interchange of
1.20 data maintained by the Department of Labor and Industry are governed by section 175.171.

1.21 (c) Reporters. Disclosure of the names of certain persons supplying information to
1.22 the Department of Labor and Industry is prohibited by sections 175.24 and 175.27.

1.23 Subd. 3. Workers' compensation Loggers; payroll data. (a) Loggers; payroll

1.24 data. Data sharing of payroll data by the commissioner of labor and industry with a
1.25 workers' compensation insurer or the Workers' Compensation Insurance Association, is
1.26 governed by section 176.130, subdivision 5.

2.1 ~~(b) **Medical data.** Access to medical data in connection with a workers'~~
 2.2 ~~compensation claim is governed by section 176.138.~~

2.3 ~~(c) **Employment status.** Data sharing, between the commissioner of labor and~~
 2.4 ~~industry and other persons, regarding the employment status of individuals, is governed~~
 2.5 ~~by section 176.181, subdivision 8.~~

2.6 ~~(d) **Identity of reporters.** Access to the identity of anyone reporting that an~~
 2.7 ~~employer may not have workers' compensation insurance is governed by section 176.184,~~
 2.8 ~~subdivision 5.~~

2.9 ~~(e) **Report of death or injury to labor and industry.** Access to a report of worker~~
 2.10 ~~injury or death during the course of employment filed by an employer under section~~
 2.11 ~~176.231 is governed by sections 176.231, subdivisions 8 and 9, and 176.234.~~

2.12 Subd. 4. **Employee organization; authorization signatures.** Representation
 2.13 authorization signatures, contained in employee organization petitions or joint requests,
 2.14 are classified by section 179A.12, subdivision 6.

2.15 Subd. 5. **Terms of employment.** (a) **Disclosure of lie detector tests.** Disclosure of
 2.16 lie detector tests is governed by section 181.76.

2.17 (b) **Identity of employees making complaints.** The disclosure of the identity of
 2.18 employees making certain complaints is also governed by section 181.932, subdivision 2.

2.19 (c) **Employee drug and alcohol test results.** Test results and other information
 2.20 acquired in the drug and alcohol testing process, with respect to public sector employees
 2.21 and applicants, are classified by section 181.954, subdivision 2, and access to them is
 2.22 governed by section 181.954, subdivision 3.

2.23 (d) **Apprenticeship investigation data.** Data collected, created, or maintained as
 2.24 part of the director of the Division of Labor Standards and Apprenticeship's investigation
 2.25 and subsequent hearings under section 178.09, subdivision 1, are classified under section
 2.26 175.16, subdivision 3, paragraph (c).

2.27 (e) **Wage survey data.** Data collected for wage surveys submitted to the department
 2.28 pursuant to sections 177.41 to 177.44 are classified under section 175.16, subdivision 3.

2.29 (f) **Payroll data.** Payroll data on employees submitted to the department under
 2.30 chapters 177, 181, and 181A are classified under section 175.16, subdivision 3, paragraph
 2.31 (e).

2.32 (g) **Complaint, investigation, and enforcement action data.** The following data
 2.33 are classified under section 175.16, subdivision 3:

2.34 (1) data that identifies an individual who has made a complaint with the department
 2.35 asserting facts that may constitute a violation of chapters 177 and 181A, or the provisions
 2.36 of chapter 181 that are under the department's jurisdiction to administer and enforce; and

3.1 (2) data that identifies an individual who has responded to a department request for
 3.2 information as part of a department investigation or enforcement action under chapter
 3.3 177, 181, or 181A.

3.4 Subd. 6. **Occupational safety and health.** Certain data gathered or prepared by the
 3.5 commissioner of labor and industry as part of occupational safety and health inspections
 3.6 are classified under sections 182.659, subdivision 8, and 182.668, subdivision 2.

3.7 Subd. 7. **Investigation and enforcement data.** Data related to enforcement actions
 3.8 or investigations initiated by the department, the Medical Services Review Board or the
 3.9 rehabilitation review panel are governed by sections 175.16, subdivision 3, and 175.40.

3.10 Sec. 2. Minnesota Statutes 2006, section 13.791, subdivision 1, is amended to read:

3.11 Subdivision 1. **General.** Unless the data is summary data or is otherwise classified
 3.12 by statute or federal law, all data collected and maintained by ~~the Department of Labor and~~
 3.13 ~~Industry or the Department of Employment and Economic Development~~ that pertain to
 3.14 individuals applying for or receiving rehabilitation services is private data on individuals.
 3.15 Data collected and maintained by the Department of Labor and Industry that pertain to
 3.16 individuals applying for or receiving rehabilitation services under chapter 176 is governed
 3.17 by section 175.40.

3.18 Sec. 3. Minnesota Statutes 2006, section 175.10, is amended to read:

3.19 **175.10 SESSIONS TO BE PUBLIC HOURS OF OPERATION.**

3.20 The Department of Labor and Industry shall be open for the transaction of business
 3.21 during all business hours of each and every day, excepting Saturdays, Sundays, and legal
 3.22 holidays. ~~The hearings of the Workers' Compensation Division are open to the public and~~
 3.23 ~~may be adjourned from time to time. All the proceedings of the division shall be shown~~
 3.24 ~~on its records, which are public records.~~

3.25 Sec. 4. Minnesota Statutes 2006, section 175.16, is amended by adding a subdivision
 3.26 to read:

3.27 Subd. 3. **Use of department data.** (a) The terms used in this subdivision have the
 3.28 following meanings for purposes of this subdivision:

3.29 (1) "Commissioner" means the commissioner of the Department of Labor and
 3.30 Industry.

3.31 (2) "Department" means the Department of Labor and Industry, and includes the
 3.32 commissioner of labor and industry and persons employed by, or under contract with, the
 3.33 department to perform responsibilities under laws within the department's jurisdiction.

4.1 (3) "Enforcement action" means a proceeding initiated by the department, board,
4.2 or panel that may result in a penalty, fine, or sanction for violation of laws within the
4.3 jurisdiction of the department or may result in an order for compliance with laws within
4.4 the department's jurisdiction.

4.5 (4) "Investigation" means an inspection, investigation, audit, review, inquiry,
4.6 or examination to administer, enforce, and monitor compliance with laws within the
4.7 department's jurisdiction.

4.8 (b) The following data is private data under section 13.02, subdivision 12:

4.9 (1) data that identifies an individual who has made a complaint with the department
4.10 asserting facts that may constitute a violation of chapters 177 and 181A, or the provisions
4.11 of chapter 181 that are under the department's jurisdiction to administer and enforce; and

4.12 (2) data that identifies an individual who has responded to a department request for
4.13 information as part of a department investigation or enforcement action under chapter
4.14 177, 181, or 181A.

4.15 (c) Data collected, created, or maintained as part of the director of the Division of
4.16 Labor Standards and Apprenticeship's investigation under section 178.09, subdivision 1,
4.17 is protected nonpublic data with respect to data not on individuals and confidential data
4.18 with respect to data on individuals. After the director's determination is filed with the
4.19 commissioner pursuant to section 178.09, subdivision 2, the data shall continue to be
4.20 classified as protected nonpublic and confidential except as follows:

4.21 (1) access to the data shall be given to the persons who signed the apprenticeship
4.22 agreement investigated; and

4.23 (2) if the director's determination is appealed under section 178.09, subdivision 2,
4.24 the director may submit the data to the hearing board for consideration in the hearing
4.25 board's deliberations of the appeal.

4.26 The hearing before the hearing board is public. The hearing board's findings of fact,
4.27 recommended decision, and memorandum are nonpublic data with respect to data
4.28 not on individuals and confidential data with respect to data on individuals until the
4.29 commissioner issues a decision under section 178.09, subdivision 2. Upon issuance of
4.30 the commissioner's decision, the hearing board's findings of fact, recommended decision,
4.31 and memorandum and the commissioner's decision, findings of fact, and memorandum or
4.32 reasons are public data.

4.33 (d) For surveys submitted to the department pursuant to sections 177.41 to 177.44,
4.34 the following data is private data in the case of data on individuals under section 13.02,
4.35 subdivision 12, and nonpublic data in the case of data not on individuals under section
4.36 13.02, subdivision 9:

- 5.1 (1) the names of employees;
- 5.2 (2) the names, addresses, and telephone numbers of employers;
- 5.3 (3) the names, addresses, and telephone numbers of entities submitting the data; and
- 5.4 (4) the names and signatures of persons signing the surveys on behalf of an entity.
- 5.5 (e) The names, addresses, Social Security numbers, and telephone numbers of
- 5.6 employees on payroll data submitted to the department under chapters 177, 181, and 181A
- 5.7 are private data under section 13.02, subdivision 12.
- 5.8 (f) Persons employed by or under contract with the department may have access
- 5.9 to and may use any data collected, created, received, maintained, or disseminated by the
- 5.10 department if the data will assist them in performing responsibilities under laws within
- 5.11 the department's jurisdiction, unless otherwise provided by federal law. The department
- 5.12 may use the data in its administrative and civil proceedings.
- 5.13 (g) The following data may be released to or referred to another state agency:
- 5.14 (1) not public data related to a department enforcement action or investigation may
- 5.15 be released to another state agency as part of a state investigation;
- 5.16 (2) workers' compensation claim or workers' compensation injury data may be
- 5.17 released or referred to another state agency as part of a state investigation; and
- 5.18 (3) if the department is unable to locate an employee who is owed back wages or
- 5.19 other money pursuant to section 177.27, subdivision 7, the department may provide the
- 5.20 employee's Social Security number to the Department of Commerce for use under the
- 5.21 Uniform Distribution of Unclaimed Property Act in chapter 345.
- 5.22 (h) Data related to an enforcement action or investigation initiated by the department
- 5.23 that is classified as not public or the release of which is limited by statute, may be released
- 5.24 to the public or any person when the department in its discretion determines that the
- 5.25 release will aid the law enforcement process, promote public health or safety, or dispel
- 5.26 widespread rumor or unrest.

5.27 Sec. 5. Minnesota Statutes 2006, section 175.27, is amended to read:

5.28 **175.27 DISCLOSURE OF NAMES OF PERSONS GIVING INFORMATION;**

5.29 **REFUSAL TO TESTIFY; DENYING ADMISSION; PENALTY.**

5.30 ~~Any employee of the Department of Labor and Industry who shall disclose the~~

5.31 ~~names of any persons supplying information at the request of such department shall be~~

5.32 ~~guilty of a misdemeanor. Any person who, having been duly subpoenaed, shall refuse~~

5.33 ~~to attend or testify in any hearing under the direction of the Department of Labor and~~

5.34 ~~Industry shall be guilty of a misdemeanor. Any owner or occupant of any place of~~

5.35 ~~employment who shall refuse to admit thereto any employee of the department seeking~~

6.1 entrance in the discharge of the employee's duties, shall be guilty of a misdemeanor. Any
6.2 person, firm, or corporation, or any of its officers or agents, who or which shall refuse to
6.3 file with the department such reports as are required by it under the provisions of sections
6.4 175.24 to 175.27 shall be guilty of a misdemeanor.

6.5 **Sec. 6. [175.40] WORKERS' COMPENSATION DATA.**

6.6 **Subdivision 1. General standard for workers' compensation data.**

6.7 Notwithstanding any contrary provision in chapter 13 or 176, all data collected, created,
6.8 received, maintained, or disseminated by the department, the Office of Administrative
6.9 Hearings or the Workers' Compensation Court of Appeals related to a workers'
6.10 compensation claim or injury, or related to a department investigation or enforcement
6.11 action under chapter 176, are classified as protected nonpublic data pursuant to section
6.12 13.02, subdivision 13, in the case of data not on individuals, and confidential data pursuant
6.13 to section 13.02, subdivision 3, in the case of data on individuals, except as provided
6.14 in this chapter.

6.15 **Subd. 2. Definitions.** (a) The terms used in this section have the following meanings
6.16 for purposes of this section.

6.17 (b) "Commissioner" means the commissioner of the department.

6.18 (c) "Board" means the Medical Services Review Board established under section
6.19 176.103.

6.20 (d) "Confidential data" has the meaning given in section 13.02, subdivision 3.

6.21 (e) "Department" means the Department of Labor and Industry, and includes the
6.22 commissioner of labor and industry and persons employed by, or under contract with, the
6.23 department to perform responsibilities under laws within the department's jurisdiction.

6.24 (f) "Division file" means the official file created and maintained by the department to
6.25 retain paper, imaged, or electronic data related to an employee's workers' compensation
6.26 claim or injury under chapter 176. It does not include paper, imaged, or electronic data
6.27 in the special compensation fund or vocational rehabilitation unit files, or data created,
6.28 used, or maintained by the department for internal operational purposes. The Office of
6.29 Administrative Hearings and the Workers' Compensation Court of Appeals also use the
6.30 division file in litigated cases.

6.31 (g) "Employee identification number" means the number that may be assigned by
6.32 the department to identify an employee with a workers' compensation claim in addition to
6.33 the employee's Social Security number.

7.1 (h) "Enforcement action" means a proceeding initiated by the department, board, or
7.2 panel that may result in a penalty, fine, or sanction for violation of workers' compensation
7.3 laws or that may result in an order for compliance with workers' compensation laws.

7.4 (i) "Investigation" means an investigation, inspection, audit, file review, inquiry, or
7.5 examination performed by the department to administer, enforce, and monitor compliance
7.6 with workers' compensation laws within the department's jurisdiction.

7.7 (j) "Not public data" has the meaning given in section 13.02, subdivision 8a.

7.8 (k) "Panel" means the Rehabilitation Review Panel established under section
7.9 176.102.

7.10 (l) "Person" means any individual, limited liability company, corporation,
7.11 partnership, incorporated or unincorporated association, sole proprietorship, joint stock
7.12 company, or any other legal, governmental, or commercial entity.

7.13 (m) "Private data" has the meaning given in section 13.02, subdivision 12.

7.14 (n) "Protected nonpublic data" has the meaning given in section 13.02, subdivision
7.15 13.

7.16 (o) "Public data" means public data on individuals as defined in section 13.02,
7.17 subdivision 10, or public data not on individuals as defined in section 13.02, subdivision
7.18 14.

7.19 Subd. 3. **Employment and insurance data.** The following workers' compensation
7.20 insurance coverage data collected, created, received, maintained, or disseminated by the
7.21 department, or by an entity with whom the department has contracted pursuant to section
7.22 176.185, subdivision 10, is public data:

7.23 (1) historical and recent action on an insurance policy, such as a new policy,
7.24 correction, binder, reinstatement, expiration, cancellation, termination, or notice of intent
7.25 to provide insurance;

7.26 (2) the employer's legal name;

7.27 (3) every "doing business as" name used by the employer;

7.28 (4) the employer's legal form of ownership, such as corporation, partnership, limited
7.29 partnership, or government entity, and the names of all owners and partners including, for
7.30 limited partnerships, the names of general partners;

7.31 (5) the employer's complete mailing address, including zip code;

7.32 (6) the nature of the employer's business;

7.33 (7) the policy number;

7.34 (8) the effective and expiration dates of the policy;

7.35 (9) the name of the insurance carrier;

7.36 (10) the insurance carrier office issuing the policy;

- 8.1 (11) the type of cancellation, if applicable;
8.2 (12) the reason for cancellation, if applicable;
8.3 (13) the effective date of cancellation, if applicable;
8.4 (14) the employer's federal employer identification number and unemployment
8.5 account number; and
8.6 (15) any exclusion from coverage that has been filed with the department under
8.7 section 176.041.

8.8 **Subd. 4. Workers' compensation division file data.** (a) In addition to release of
8.9 data permitted under subdivisions 5, 6, 7, and 8, data in the division file may be released
8.10 as follows:

8.11 (1) without an authorization:

8.12 (i) to the employee who is the injured worker, or, if the employee is deceased, to the
8.13 employee's dependents;

8.14 (ii) to the employer and insurer for the employee's claim or injury; and

8.15 (iii) to the department, the Office of Administrative Hearings, and the Workers'
8.16 Compensation Court of Appeals as needed to perform responsibilities under applicable
8.17 law;

8.18 (2) with an authorization:

8.19 (i) to an individual or entity that the employee, or a dependent of a deceased
8.20 employee, has identified by name on the authorization as authorized to receive the data; and

8.21 (ii) to an individual or entity that the employer or insurer for the claimed date of
8.22 injury has identified by name on the authorization as authorized to receive the data, if
8.23 the person is acting on the employer or insurer's behalf in performing responsibilities
8.24 under chapter 176.

8.25 Authorizations under this clause must be in writing, and must include the printed name
8.26 and dated signature of the employee or dependent, employer, or insurer; the specific data
8.27 to be released; and the name of the individual or entity that is authorized to receive the
8.28 data. Except as otherwise provided in clause (3), authorizations are valid for the time
8.29 period specified in the authorization, but for no longer than one year from the date the
8.30 authorization was signed. The employee or dependent, employer, or insurer may revoke
8.31 an authorization by filing written notice with the department at any time, which shall be
8.32 effective upon receipt by the department.

8.33 (b) The department may release data to an attorney for the employee, dependent,
8.34 employer, or insurer for five years after the date of a signed and dated notice of
8.35 representation, or for five years after the attorney files a pleading or other document in
8.36 connection with a workers' compensation dispute, whichever is later. However, data may

9.1 not be released to the attorney after the department receives written notice that the attorney
9.2 no longer represents the employee, dependent, employer, or insurer.

9.3 (c) If the department receives information that indicates that identifying or contact
9.4 information for an employee, dependent, employer, insurer, or insurance administrator
9.5 is erroneous or no longer accurate, the department may update the information in all
9.6 relevant workers' compensation files to reflect:

9.7 (1) the current and accurate name, address, Social Security number or employee
9.8 identification number, and contact information for an employee, unless the employee
9.9 notifies the commissioner in writing that the information in a workers' compensation file
9.10 for a specific date of injury may not be updated; and

9.11 (2) the current and accurate name, address, and contact information for an employer,
9.12 insurer, or insurance administrator.

9.13 Subd. 5. **Research and statistical data.** (a) The department, Office of
9.14 Administrative Hearings and the Workers' Compensation Court of Appeals may not release
9.15 workers' compensation summary data, notwithstanding section 13.02, subdivision 19, and
9.16 13.05, subdivision 7, unless it meets the requirements of this subdivision. These agencies
9.17 may, at each agency's discretion, release workers' compensation claims and injury data
9.18 and data related to investigations and enforcement actions under chapter 176 as follows:

9.19 (1) the agency may make public aggregate statistics it has prepared for uses
9.20 consistent with its responsibilities under Minnesota law;

9.21 (2) the agency may prepare and make public aggregate statistics upon the request of
9.22 any person if the request is in writing and the cost of preparing the aggregate statistics is
9.23 borne by the requesting person; and

9.24 (3) the department may release workers' compensation claims and injury data and
9.25 data related to a department investigation or enforcement action under chapter 176 to an
9.26 academic researcher at a university or college if all of the following requirements are
9.27 satisfied:

9.28 (i) the researcher's purpose is set forth in writing;

9.29 (ii) the research purpose cannot reasonably be accomplished without access to
9.30 data which is specific to a person;

9.31 (iii) the data will not be used for the purpose of contacting a person to participate
9.32 in the research;

9.33 (iv) the research has been approved by the university's or college's institutional
9.34 review board;

9.35 (v) the department approves conditions governing security and confidentiality; the
9.36 removal or destruction of the data, except aggregate statistics, at the earliest reasonable

10.1 time; and the prohibition of any subsequent use or disclosure of the data, except aggregate
10.2 statistics, without the express authorization of the department; and

10.3 (vi) the researcher signs an agreement to comply with the conditions of this
10.4 subdivision and any other conditions the agency deems necessary to ensure that the data is
10.5 used only in accordance with this subdivision.

10.6 The department is not liable for the researcher's breach of the conditions in this clause.

10.7 (b) For purposes of this subdivision:

10.8 (1) "Aggregate statistics" includes, but is not limited to, averages, totals, standard
10.9 deviations, regression parameters, and similar numbers that summarize information
10.10 from multiple records. An aggregate statistic must include at least one measurement or
10.11 observation from each of at least five members of the population being analyzed. No one
10.12 member of the population can account for more than 60 percent of the aggregate statistic.

10.13 (2) "Accredited university or college" means a college or university that meets at
10.14 least one of these criteria:

10.15 (i) accredited by an accreditor recognized by Council on Higher Education

10.16 Accreditation or the United States Department of Education;

10.17 (ii) listed in the Commonwealth Universities Yearbook;

10.18 (iii) listed in UNESCO's Handbook of Universities;

10.19 (iv) listed in the World Education Series published by Project in International
10.20 Education Research (PIER); or

10.21 (v) listed by the Australian Qualifications Framework.

10.22 (3) "Academic researcher" means a graduate student or employee on the teaching or
10.23 research staff of an accredited university or college conducting research intended for a
10.24 graduate dissertation or publication in a peer-reviewed scholarly journal.

10.25 (4) "Institutional review board" means a committee of university or college faculty,
10.26 staff, and students that reviews research projects that involve human subjects to ensure
10.27 that appropriate ethical and professional standards are met.

10.28 (c) Data collected by the department from persons who respond to a request for
10.29 information for a workers' compensation research study, or to a workers' compensation
10.30 survey, conducted by the department is private data on individuals and nonpublic data in
10.31 the case of data not on individuals.

10.32 Subd. 6. **Workers' compensation dispute resolution data.** (a) Hearings and the
10.33 current calendar of scheduled hearings, conferences, or other proceedings before workers'
10.34 compensation judges and administrative law judges at the Office of Administrative
10.35 Hearings, the Workers' Compensation Court of Appeals, the board and the panel, are

11.1 public and may be posted at the site of the proceeding and online, except for employee
 11.2 Social Security numbers or employee identification numbers.

11.3 (b) The following data is public data:

11.4 (1) decisions and orders issued by workers' compensation judges at the Office
 11.5 of Administrative Hearings following evidentiary hearings or issued by workers'
 11.6 compensation judges under section 176.322, except for employee Social Security numbers
 11.7 and employee identification numbers. This clause applies to decisions and orders issued
 11.8 by workers' compensation judges on or after the effective date of this clause.

11.9 (2) decisions, orders, and reports issued by administrative law judges following
 11.10 contested case proceedings at the Office of Administrative Hearings, and decisions and
 11.11 orders issued by the board and panel under sections 176.102 and 176.103; and

11.12 (3) decisions and orders issued and maintained by the Workers' Compensation
 11.13 Court of Appeals.

11.14 (c) Workers' compensation litigation data is data that is filed with the department, the
 11.15 Office of Administrative Hearings or the Workers' Compensation Court of Appeals as part
 11.16 of the litigation, or data that is served on a party to the litigation by a party, an agency, or a
 11.17 court. Litigation data includes data that is part of the hearing or appellate record. Workers'
 11.18 compensation litigation data may be released to the employee, dependent, employer,
 11.19 insurer, or other party to the litigation in the same manner as specified in subdivision 4.
 11.20 Workers' compensation litigation data may also be released to a person who is authorized
 11.21 to act on behalf of an intervenor in the litigation.

11.22 (d) The department, the Office of Administrative Hearings and the Workers'
 11.23 Compensation Court of Appeals may release workers' compensation litigation data to the
 11.24 department, the Office of Administrative Hearings, the Workers' Compensation Court of
 11.25 Appeals, the Supreme Court, or any other court when the agency or court needs the data to
 11.26 perform its responsibilities under applicable law. Agency or court staff may use the data
 11.27 as necessary to perform their responsibilities under applicable law.

11.28 Subd. 7. **Investigative and enforcement data.** (a) In addition to data that is public
 11.29 data under subdivision 6, the following data related to an investigation or enforcement
 11.30 action are public:

11.31 (1) pleadings, exhibits, awards on stipulations, and other data made part of the
 11.32 record of a proceeding in a court, the Office of Administrative Hearings, or the board or
 11.33 the panel, unless protected by a court or administrative law judge order;

11.34 (2) a written settlement agreement between the department and a person or an
 11.35 entity that is the subject of an investigation or enforcement action if the agreement is not
 11.36 required by law to be approved by a judge. If the agreement is required to be approved by

12.1 a judge, the agreement becomes public when the award on stipulation or other required
 12.2 approval has been issued; and
 12.3 (3) a final order of the department.

12.4 For purposes of this clause, "final order" means that: (i) no objection, appeal, or request
 12.5 for hearing or appeal has been filed in the manner and within the time provided by law;
 12.6 (ii) an objection, appeal, or request for hearing has been withdrawn; (iii) a settlement
 12.7 agreement or stipulation resolving all or part of the matter has been signed by all parties
 12.8 and, if required by law, has been approved by a judge; or (iv) all appeals have been
 12.9 exhausted or waived.

12.10 The data described in this paragraph become public only for proceedings initiated in or
 12.11 after the effective date of this paragraph, unless the data are already public under another
 12.12 law.

12.13 (b) Notwithstanding paragraph (a), the names, Social Security numbers, and
 12.14 employee identification numbers of employees with workers' compensation claims and
 12.15 their dependents, and the identity of persons filing a complaint with the department about
 12.16 the subject of the investigation or enforcement action are private or nonpublic.

12.17 (c) Data related to an enforcement action or investigation under chapter 176 is
 12.18 available as provided in subdivision 4 if the department maintains the data in the division
 12.19 file for an employee.

12.20 Subd. 8. **Other department data.** Data related to a workers' compensation claim
 12.21 or injury, or related to a department investigation or enforcement action under chapter
 12.22 176 may be disclosed as permitted by sections 175.16, subdivision 3; 176.130; 176.181;
 12.23 176.184; 176.194; 176.195; 176.222; 176.223; 176.231; 176.234; and 176.862.

12.24 Sec. 7. Minnesota Statutes 2006, section 175A.06, is amended to read:

12.25 **175A.06 SESSIONS TO BE PUBLIC.**

12.26 The hearings of the Workers' Compensation Court of Appeals shall be open to the
 12.27 public and may be adjourned from time to time. ~~All the proceedings of the court shall be~~
 12.28 ~~shown on its records, which shall be public records.~~

12.29 Sec. 8. Minnesota Statutes 2006, section 176.138, is amended to read:

12.30 **176.138 MEDICAL DATA; ACCESS.**

12.31 (a) Notwithstanding any other state laws related to the privacy of medical data or
 12.32 any private agreements to the contrary, the release in writing, by telephone discussion, or
 12.33 otherwise of medical data related to a current claim for compensation under this chapter to

13.1 the employee, employer, or insurer who are parties to the claim, or to the Department of
13.2 Labor and Industry, shall not require prior approval of any party to the claim. This section
13.3 does not preclude the release of medical data under ~~section 175.10~~ or sections 175.40
13.4 and 176.231, subdivision 9. Requests for pertinent data shall be made, and the date of
13.5 discussions with medical providers about medical data shall be confirmed, in writing to the
13.6 person or organization that collected or currently possesses the data. Written medical data
13.7 that exists at the time the request is made shall be provided by the collector or possessor
13.8 within seven working days of receiving the request. Nonwritten medical data may be
13.9 provided, but is not required to be provided, by the collector or possessor. In all cases of a
13.10 request for the data or discussion with a medical provider about the data, except when it is
13.11 the employee who is making the request, the employee shall be sent written notification
13.12 of the request by the party requesting the data at the same time the request is made or a
13.13 written confirmation of the discussion. This data shall be treated as private data by the
13.14 party who requests or receives the data and the party receiving the data shall provide the
13.15 employee or the employee's attorney with a copy of all data requested by the requester.

13.16 (b) Medical data which is not directly related to a current injury or disability shall
13.17 not be released without prior authorization of the employee.

13.18 (c) The commissioner may impose a penalty of up to \$600 payable to the
13.19 commissioner for deposit in the assigned risk safety account against a party who does not
13.20 timely release data as required in this section. A party who does not treat this data as
13.21 private pursuant to this section is guilty of a misdemeanor. This paragraph applies only to
13.22 written medical data which exists at the time the request is made.

13.23 (d) Workers' compensation insurers and self-insured employers may, for the sole
13.24 purpose of identifying duplicate billings submitted to more than one insurer, disclose to
13.25 health insurers, including all insurers writing insurance described in section 60A.06,
13.26 subdivision 1, clause (5)(a), nonprofit health service plan corporations subject to chapter
13.27 62C, health maintenance organizations subject to chapter 62D, and joint self-insurance
13.28 employee health plans subject to chapter 62H, computerized information about dates,
13.29 coded items, and charges for medical treatment of employees and other medical billing
13.30 information submitted to them by an employee, employer, health care provider, or other
13.31 insurer in connection with a current claim for compensation under this chapter, without
13.32 prior approval of any party to the claim. The data may not be used by the health insurer
13.33 for any other purpose whatsoever and must be destroyed after verification that there has
13.34 been no duplicative billing. Any person who is the subject of the data which is used in
13.35 a manner not allowed by this paragraph has a cause of action for actual damages and
13.36 punitive damages for a minimum of \$5,000.

14.1 Sec. 9. Minnesota Statutes 2006, section 176.181, subdivision 8, is amended to read:

14.2 Subd. 8. **Data sharing.** (a) The Departments of Labor and Industry, Employment
 14.3 and Economic Development, Human Services, Agriculture, Transportation, and Revenue
 14.4 are authorized to share information regarding the employment status of individuals,
 14.5 including but not limited to Social Security numbers and payroll and withholding and
 14.6 income tax information, and may use that information for purposes consistent with
 14.7 this section and regarding the employment or employer status and federal employer
 14.8 identification numbers of individuals, partnerships, limited liability companies,
 14.9 corporations, or employers, including, but not limited to, general contractors, intermediate
 14.10 contractors, and subcontractors. The commissioner shall request data in writing or
 14.11 pursuant to a state agency agreement, and the responding department shall respond to the
 14.12 request by producing the requested data within 30 days.

14.13 (b) The commissioner is authorized to inspect and to order the production of all
 14.14 payroll and other business records and documents of any alleged employer in order to
 14.15 determine the employment status of persons and compliance with this section. If any
 14.16 person or employer refuses to comply with such an order, the commissioner may apply to
 14.17 the district court of the county where the person or employer is located or may apply to
 14.18 Ramsey County or the county where the nearest office of the Department of Labor and
 14.19 Industry is located, for an order compelling production of the documents.

14.20 Sec. 10. Minnesota Statutes 2006, section 176.186, is amended to read:

14.21 **176.186 RECORDS FROM OTHER STATE AGENCIES.**

14.22 Notwithstanding any other state law to the contrary except chapter 270B,
 14.23 the commissioner may obtain from the Department of Employment and Economic
 14.24 Development, and Office of the Secretary of State, or any other state agency, upon request,
 14.25 names or lists of employers doing business in the state. ~~This information shall be treated~~
 14.26 ~~by the commissioner in the manner provided by chapter 13 and shall be used only for~~
 14.27 ~~insurance verification by the commissioner~~ Release and use of this data is governed by
 14.28 sections 175.16, subdivision 3, and 175.40.

14.29 Sec. 11. Minnesota Statutes 2006, section 176.231, subdivision 9, is amended to read:

14.30 Subd. 9. ~~Uses which may be made of Reports.~~ Reports filed with the commissioner
 14.31 under this section ~~may be used in hearings held under this chapter, and for the purpose of~~
 14.32 ~~state investigations and for statistics. These reports~~ are available to the Department of
 14.33 Revenue for use in enforcing Minnesota income tax and property tax refund laws, and the
 14.34 information shall be protected as provided in chapter 270B.

15.1 ~~The division or Office of Administrative Hearings or Workers' Compensation Court~~
15.2 ~~of Appeals may permit the examination of its file by the employer, insurer, employee, or~~
15.3 ~~dependent of a deceased employee or any person who furnishes written authorization to do~~
15.4 ~~so from the employer, insurer, employee, or dependent of a deceased employee. Reports~~
15.5 filed under this section and other information the commissioner has regarding injuries or
15.6 deaths shall be made available to the Workers' Compensation Reinsurance Association for
15.7 use by the association in carrying out its responsibilities under chapter 79.

15.8 Sec. 12. Minnesota Statutes 2006, section 176.391, subdivision 3, is amended to read:

15.9 Subd. 3. **Reports.** The report of a physician, surgeon, or other expert shall be filed
15.10 with the commissioner and the compensation judge assigned to the matter if any. The
15.11 report shall be made a part of the record of the case ~~and be open to inspection as such.~~

15.12 Sec. 13. **REPEALER.**

15.13 Minnesota Statutes 2006, sections 175.24; 176.231, subdivision 8; 176.401; and
15.14 176.421, subdivision 7, are repealed.