

AMENDMENTS TO LB 21

Introduced by Lautenbaugh

1 1. Strike original section 1 and insert the following
2 sections:

3 Section 1. Section 48-144.01, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 48-144.01 (1) In every case of reportable injury arising
6 out of and in the course of employment, the employer or workers'
7 compensation insurer shall file a report thereof with the Nebraska
8 Workers' Compensation Court. Such report shall be filed within ten
9 days after the employer or insurer has been given notice of or has
10 knowledge of the injury.

11 (2) For purposes of this section:

12 (a) Reportable injury means an injury or diagnosed
13 occupational disease which results in: (i) Death, regardless of
14 the time between the death and the injury or onset of disease;
15 (ii) time away from work; (iii) restricted work or termination of
16 employment; (iv) loss of consciousness; or (v) medical treatment
17 other than first aid;

18 (b) Restricted work means the inability of the employee
19 to perform one or more of the duties of his or her normal
20 job assignment. Restricted work does not occur if the employee
21 is able to perform all of the duties of his or her normal
22 job assignment, but a work restriction is assigned because the
23 employee is experiencing minor musculoskeletal discomfort and for

1 the purpose of preventing a more serious condition from developing;

2 (c) Medical treatment means treatment administered by a
3 physician or other licensed health care professional; and

4 (d) First aid means:

5 (i) Using a nonprescription medication at nonprescription
6 strength. For medications available in both prescription and
7 nonprescription form, a recommendation by a physician or other
8 licensed health care professional to use a nonprescription
9 medication at prescription strength is not first aid;

10 (ii) Administering tetanus immunizations. Administering
11 other immunizations, such as hepatitis B vaccine and rabies
12 vaccine, is not first aid;

13 (iii) Cleaning, flushing, or soaking wounds on the
14 surface of the skin;

15 (iv) Using wound coverings, such as bandages and gauze
16 pads, and superficial wound closing devices, such as butterfly
17 bandages and steri-strips. Using other wound closing devices, such
18 as sutures and staples, is not first aid;

19 (v) Using hot or cold therapy;

20 (vi) Using any nonrigid means of support, such as elastic
21 bandages, wraps, and nonrigid back belts. Using devices with rigid
22 stays or other systems designed to immobilize parts of the body is
23 not first aid;

24 (vii) Using temporary immobilization devices, such as
25 splints, slings, neck collars, and back boards, while transporting
26 accident victims;

27 (viii) Drilling of a fingernail or toenail to relieve

1 pressure or draining fluid from a blister;

2 (ix) Using eye patches;

3 (x) Removing foreign bodies from the eye using only
4 irrigation or a cotton swab;

5 (xi) Removing splinters or foreign material from areas
6 other than the eye by irrigation, tweezers, cotton swabs, or other
7 simple means;

8 (xii) Using finger guards;

9 (xiii) Using massages. Using physical therapy or
10 chiropractic treatment is not first aid; and

11 (xiv) Drinking fluids for relief of heat stress.

12 (3) An employee has the right, prior to an injury, to
13 elect that the report filed with the Nebraska Workers' Compensation
14 Court under this section be kept confidential and not open to
15 public inspection or copying, except as otherwise provided in this
16 section and as necessary for the compensation court to administer
17 and enforce other provisions of the Nebraska Workers' Compensation
18 Act. An election, once made, shall remain in effect notwithstanding
19 any change in employment by such employee, until and unless the
20 election is revoked by the employee. An election or revocation
21 shall be made in a form and manner established by the compensation
22 court. The compensation court shall deny any request to inspect
23 or copy the report for which an election has been made under
24 this section unless: (a) The requester is the employee who is
25 the subject of the report or an attorney or authorized agent of
26 that employee. An attorney or authorized agent of the employee
27 shall provide a written authorization for inspection or copying

1 from the employee if requested by the compensation court; (b)
2 the requester is the employer, workers' compensation insurer, risk
3 management pool, or third-party administrator that is a party to
4 the report or an attorney or authorized agent of such party. An
5 attorney or authorized agent of a party shall provide a written
6 authorization for inspection or copying from the party if requested
7 by the compensation court; (c) the requester is (i) an attorney or
8 an authorized agent of an insurer or a third-party administrator
9 who is involved in administering any claim for insurance benefits
10 related to any injury of the employee whose report is filed
11 with the compensation court or (ii) an attorney representing a
12 party to a lawsuit filed by or on behalf of the employee whose
13 report is filed with the compensation court. An attorney or
14 authorized agent of such insurer or third-party administrator or
15 an attorney representing a party to such a lawsuit shall provide a
16 written authorization for inspection or copying from the insurer,
17 third-party administrator, or party, as applicable, if requested by
18 the compensation court; (d) the report will be used for the purpose
19 of state or federal investigation or examinations or for the state
20 or federal government to compile statistical information; (e) the
21 report requested is sought for the purpose of identifying the
22 number and nature of any injuries to any employees of an employer
23 identified in the request and the compensation court is able to and
24 does redact any information revealing the identity of the employee
25 prior to releasing the report; (f) the report requested is a
26 pleading filed with the compensation court or an exhibit submitted
27 with a pleading filed with the compensation court; (g) release of

1 the report is ordered by a court of competent jurisdiction; or
2 (h) a revocation of such election has been made by the employee
3 in a form and a manner established by the compensation court. Any
4 request to inspect or copy a report pursuant to this section shall
5 be submitted to the compensation court on a form prescribed by the
6 compensation court.

7 Sec. 2. Section 4 of this act becomes operative on June
8 30, 2014. The other sections of this act become operative on their
9 effective date.

10 Sec. 3. Original section 48-144.01, Reissue Revised
11 Statutes of Nebraska, is repealed.

12 2. Renumber the remaining section accordingly.