

**HB**

**291**

**HFIN**

**FILE**

# ALASKA STATE LEGISLATURE

## House of Representatives

### COMMITTEE ASSIGNMENTS

RULES COMMITTEE, CHAIRMAN  
LABOR & COMMERCE COMMITTEE, MEMBER  
LEGISLATIVE COUNCIL, MEMBER  
SPECIAL COMMITTEE ON OIL & GAS, MEMBER  
SPECIAL COMMITTEE ON WAYS & MEANS, MEMBER

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## Representative Norman Rokeberg

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### SPONSOR STATEMENT FOR HB 291

By: Representative Norman Rokeberg

**Title: An Act relating to release of information in individual workers' compensation records for commercial purposes; and providing for an effective date.**

Today, there is a gap in the Workers' Compensation Act that opens up a portal into the privacy of injured workers who have filed a claim with the Division of Workers' Compensation. House Bill 291 seeks to close this opening to prevent the "mining" of division records for commercial purposes such as investment solicitations and credit agencies.

Currently, the Workers' Compensation Act makes it a misdemeanor to solicit employment for a lawyer or oneself regarding a compensation claim [AS 23.30.260(2)]. Although that statute prohibits certain solicitation activities, it does not clearly provide the division with the authority to decline to produce information for commercial endeavors. House Bill 291 will clarify the division's ability to refuse to assist in illegal conduct and provide guidance to division conduct.

HB 291 is not intended to prohibit disclosure of public record information regarding a specific claim to a newspaper reporter, an insurer seeking the names of employers who are uninsured for purposes of soliciting contracts to provide workers' compensation insurance (as these employer coverage status is not in respect of a claim). Nor would it prohibit an investigator for a law firm representing an injured worker asking, pursuant to a valid discovery order or other authorized discovery process, for information regarding other claims that are relevant to an on-going claim for compensation. This provision does not alter other subsections providing that medical and vocational reemployment records in a claim are not public records.

In an age where information is king and privacy fleeting, House Bill 291 closes an information loop-hole to protect the privacy of Alaska's injured workers.

April 15, 2005

Senator Con Bunde, Chair,  
Senate Labor & Commerce Committee  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, Alaska 99801-1182

Dear Senator Bunde and Committee Members,

My name is Hyo R. Kim and I have been an Alaska resident for over 27 years. Approximately 5 months ago, I received a letter from an out of state attorney that somehow learned of an injury I had at work. He indicated in his letter that if I contacted his firm, they could possibly get me more money for my injury.

I called the attorney to find out what this was about and how he had access to my personal information. During our conversation, the attorney asked me many questions about how I was injured, what the injury was, etc. After talking, the attorney indicated that he could not do anything for me since the injury was not substantial. I got the feeling he thought there was not enough money for him to get involved.

I asked him how he was able to get my personal information and he basically said he had his sources in the State of Alaska. This really bothered me since I really don't want people other than those that I approve of having access to my personal and private information. This especially concerns me the most now that there are so many cases in the news of identity theft and fraud.

After discussing with my friends the conversation I had with this attorney, I learned that he most likely got my personal information from the Workers Compensation Board and the Alaska Dept. of Labor. If this is the case, it irritates me a lot as I do not want people to have access to my private information and I assumed that what I filled out on the Alaska Workers Compensation forms was confidential.

I am very surprised the State of Alaska would allow this information to be released about its residents. My injury is my private concern and should only involve me, my employer, my doctor, my family and not an out of state attorney. I ask you to please take the appropriate steps to make sure this does not happen again in the future.

Sincerely,



Hyo R. Kim  
P.O. Box 705  
Petersburg, Alaska 99833

# FISCAL NOTE

STATE OF ALASKA  
2005 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB291-DOLWD-WC-04-29-05  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_  
Title: Workers' Compensation Records  
Sponsor: House Rules  
Requester: House Finance

Department: Labor and Workforce Development  
RDU: Workers' Compensation  
Component: Workers' Compensation  
Component Number: 344

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: None  
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
This bill would prevent the division from compiling or providing information about individual workers' compensation files for commercial use. There is no anticipated fiscal impact to the department as a result of this legislation.

Prepared by: Paul F. Lisankle, Director Phone: 465-6059  
Division: Workers' Compensation Date/Time: 4/29/05 9:52 AM  
Approved by: Greg O'Clary, Commissioner Date: 4/29/2005  
Agency: Department of Labor and Workforce Development