

SENATE BILL NO. 20

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATORS FRENCH, Thomas

Introduced: 1/21/09

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act limiting the release of employee medical and rehabilitation records held or**
2 **maintained by the state for purposes of the Alaska Workers' Compensation Act."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 23.30.107(b) is amended to read:

5 (b) Medical or rehabilitation records, and the employee's name, address, social
6 security number, electronic mail address, and telephone number contained on any
7 record, in an employee's file maintained by the division or held by the board or the
8 commission are **confidential and are** not public records subject to public inspection
9 and copying under AS 40.25. This subsection does not prohibit

10 (1) the reemployment benefits administrator, the division, the board,
11 the commission, or the department from releasing medical or rehabilitation records in
12 an employee's file, without the employee's consent, to

13 **(A)** a physician providing medical services under
14 AS 23.30.095(k) or 23.30.110(g);

1 **(B)** [,] a party to a claim **under this chapter** filed by the
2 employee; [,] or

3 **(C)** a governmental agency **that demonstrates a substantial**
4 **need for the records and establishes that the release would be reasonable**
5 **under the particular circumstances; in this subparagraph, "governmental**
6 **agency" means an executive, legislative, or judicial agency, department,**
7 **board, commission, authority, institution, or instrumentality, of the**
8 **federal government or a state or a county, a municipality, or other**
9 **political subdivision of a state;** or

10 (2) the quoting or discussing of medical or rehabilitation records
11 contained in an employee's file during a hearing on a claim for compensation or in a
12 decision or order of the board or commission.