

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 814  
Judiciary III Committee Substitute Adopted 5/1/89

Short Title: Workers' Comp/Medical Records.

(Public)

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Sponsors:

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Referred to:

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April 6, 1989

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW INSURERS PROVIDING HOSPITAL, SURGICAL, OR  
2 MEDICAL INSURANCE TO EMPLOYEES TO HAVE THE RIGHT TO  
3 INSPECT CERTAIN RECORDS OF THE INDUSTRIAL COMMISSION, AND  
4 TO REQUIRE A PARTY IN A WORKMAN'S COMPENSATION CLAIM TO  
5 FURNISH MEDICAL RECORDS TO A REQUESTING PARTY WITHIN  
6 THIRTY DAYS.  
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8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 97-92(b) reads as rewritten:

10 "(b) The records of the Commission, insofar as they refer to accidents, injuries,  
11 and settlements shall not be open to the public, but only to the parties satisfying the  
12 Commission of their interest in such records and the right to inspect them. Insurers  
13 providing hospital, surgical, or medical insurance to an employee have an interest in  
14 such records and have the right to inspect them, or be furnished such records upon  
15 reimbursement of the reasonable cost associated with compiling these records; however,  
16 no such insurer shall deny benefits otherwise payable based solely upon the employer's  
17 initial injury report to the Commission made pursuant to paragraph (a) above."

18 Sec. 2. G.S. 97-21 reads as rewritten:

19 "No claim for compensation under this Article shall be assignable, and all  
20 compensation and claims therefor shall be exempt from all claims of creditors and from  
21 taxes. Notwithstanding any provision of this Chapter, or Chapters 57, 57B, or 58, or  
22 any regulation promulgated pursuant thereto, insurers providing hospital, surgical, or  
23 medical insurance to employees under group contract shall be subrogated to any right of

1 an individual or other entity to any medical payments payable or paid pursuant to this  
2 Article to the extent that such insurer has made payment, or provided benefits, for any  
3 item or service rendered to an employee related to an injury, condition, or ailment  
4 arising out of and in the course of employment.

5 No agreement by an employee to pay any portion of premium paid by his employer  
6 to a carrier or to contribute to a benefit fund or department maintained by such  
7 employer for the purpose of providing compensation or medical services and supplies as  
8 required by this Article shall be valid, and any employer who makes a deduction for  
9 such purpose from the pay of any employee entitled to the benefits of this Article shall  
10 be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of  
11 not more than five hundred dollars (\$500.00). No agreement by an employee to waive  
12 his right to compensation under this Chapter shall be valid."

13 Sec. 3. G.S. 97-92 is amended by adding a new subsection to read:

14 "(f) Upon written request either party in a claim under this Chapter shall furnish  
15 the requesting party copies of any and all medical records and medical reports in his  
16 possession at no cost and within 30 days of mailing by the requesting party and shall  
17 likewise furnish the requesting party any additional medical records or medical reports  
18 received after the initial request without cost and within 30 days of receipt of said  
19 additional records and reports. Medical records and medical reports shall include  
20 communications by rehabilitative experts."

21 Sec. 4. This act is effective upon ratification.