

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 814
Judiciary III Committee Substitute Adopted 5/1/89
Third Edition Engrossed 5/9/89

Short Title: Workers' Comp/Medical Records.

(Public)

Sponsors:

Referred to:

April 6, 1989

A BILL TO BE ENTITLED

AN ACT TO ALLOW INSURERS PROVIDING HOSPITAL, SURGICAL, OR
MEDICAL INSURANCE TO EMPLOYEES TO HAVE THE RIGHT TO
INSPECT CERTAIN RECORDS OF THE INDUSTRIAL COMMISSION.

The General Assembly of North Carolina enacts:

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

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

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

"No claim for compensation under this Article shall be assignable, and all compensation and claims therefor shall be exempt from all claims of creditors and from taxes. Notwithstanding any provision of this Chapter, or Chapters 57, 57B, or 58, or any regulation promulgated pursuant thereto, insurers providing hospital, surgical, or medical insurance to employees under group contract shall be subrogated to any right of an individual or other entity to any medical payments payable or paid pursuant to this Article to the extent that such insurer has made payment, or provided benefits, for any

1 item or service rendered to an employee related to an injury, condition, or ailment
2 arising out of and in the course of employment; provided, however, all costs and
3 attorney fees shall be paid first from said funds and the balance to the insurers.

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

12 Sec. 3. This act is effective upon ratification.