

By: Farabee

H.B. No. 3085

A BILL TO BE ENTITLED

AN ACT

relating to disclosure of information in investigation files of the Texas Workers' Compensation Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 402.092, Labor Code, is amended by adding Subsection (a)(5) to read as follows:

(a) Information maintained in the investigation files of the commission is confidential and may not be disclosed except:

(1) in a criminal proceeding;

(2) in a hearing conducted by the commission;

(3) on a judicial determination of good cause; or

(4) to a governmental agency, political subdivision, or regulatory body if the disclosure is necessary or proper for the enforcement of the laws of this or another state or of the United States~~[-]~~;

(5) to an insurance carrier, at the discretion of the commission, if:

(A) the investigation files are maintained by the Investigation Unit pursuant to §414.005 of this title;

(B) the investigation files involve a felony criminal investigation or an order of restitution issued by the commission; and

(C) any information made confidential pursuant to §§413.0513 and 413.0514 of this title is not disclosed.

1 (b) Commission investigation files are not open records for  
2 purposes of Chapter 552, Government Code.

3 (c) Information in an investigation file that is  
4 information in or derived from a claim file, or an employer injury  
5 report or occupational disease report, is governed by the  
6 confidentiality provisions relating to that information.

7 (d) For purposes of this section, "investigation file"  
8 means any information compiled or maintained by the commission with  
9 respect to a commission investigation authorized by law.

10 (e) The commission, upon request, shall disclose the  
11 identity of a complainant under this section if the commission  
12 finds:

13 (1) the complaint was groundless or made in bad faith;  
14 or

15 (2) the complaint lacks any basis in fact or evidence;  
16 or

17 (3) the complaint is frivolous; or

18 (4) the complaint is done specifically for competitive  
19 or economic advantage.

20 (f) Upon completion of an investigation where the  
21 commission determines a complaint is groundless, frivolous, made in  
22 bad faith, or is not supported by evidence or is done specifically  
23 for competitive or economic advantage the commission shall notify  
24 the person who was the subject of the complaint of its finding and  
25 the identity of the complainant.

26 (g) Notwithstanding the disclosure provisions of  
27 subsections (a)(1), (2), (4), and (5), (e), and (f), the commission

1 may not release information maintained in the commission's  
2 investigation files if releasing such information would violate a  
3 privilege held by or a confidentiality requirement imposed on a  
4 state agency from which the information was obtained.

5       SECTION 2. This Act takes effect September 1, 2005 and  
6 applies to information maintained in investigation files of the  
7 Texas Workers' Compensation Commission without regard to the date  
8 the information is collected, compiled, developed, or otherwise  
9 becomes part of the investigation file.