

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Workers' compensation ombudsman.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

1 AN ACT relating to workers' compensation; creating the
2 office of workers' compensation ombudsman; providing
3 responsibilities of the ombudsman; providing for
4 investigation and resolution of complaints by the
5 ombudsman; providing for confidentiality of ombudsman
6 records; prohibiting retaliation; providing for costs of
7 the ombudsman office; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 27-14-901 through 27-14-905 are
12 created to read:

13

1 ARTICLE 9 - OMBUDSMAN FOR INJURED WORKERS

2

3 **27-14-901. Office created.**

4 There is created an office of ombudsman for injured
5 workers. The ombudsman shall be a full-time contract
6 position awarded by the occupational safety and health
7 commission to a member in good standing of the Wyoming
8 state bar. In addition, the division shall assign one and
9 one-half full-time positions to the ombudsman to staff the
10 office.

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12 **27-14-902. Responsibilities.**

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14 (a) The ombudsman shall:

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16 (i) Act as an information resource for injured
17 workers who have filed a complaint to assist them in
18 understanding the filing and procedural requirements of the
19 workers' compensation act, which may include communicating
20 with division staff, informing a worker of the effect of
21 determinations made by the division and the applicable
22 deadlines to appeal a division determination.

23

1 (ii) Act as an advocate for injured workers by
2 accepting, investigating and attempting to resolve
3 complaints concerning matters related to the workers'
4 compensation program;

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6 (iii) Provide information to injured workers to
7 enable them to protect their rights in the workers'
8 compensation system;

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10 (iv) Maintain a central registry of all
11 investigations, including the nature of the investigation,
12 findings and recommended actions;

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14 (v) Establish written policies for eligibility
15 and the prioritization of investigations if the number of
16 complaints is such that all complaints cannot be
17 investigated promptly;

18
19 (vi) Provide an annual report to the governor
20 and the joint labor, health and social services interim
21 committee summarizing the services that the ombudsman
22 provided during the year, the ombudsman's specific
23 recommendations for improving ombudsman services and for

1 protecting workers' right in the workers' compensation
2 program in the following year.

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4 **27-14-903. Investigations.**

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6 (a) The ombudsman shall conduct an appropriate
7 inquiry into all complaints by injured workers pursuant to
8 this act, to the extent practicable within the priorities
9 established pursuant to W.S. 27-14-902(a)(v).

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11 (b) In conducting an inquiry, the ombudsman shall
12 engage in appropriate actions including:

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14 (i) Making inquiries of affected parties or
15 those with the knowledge of matters necessary to establish,
16 deny or resolve the complaint;

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18 (ii) Presenting proper identification to any
19 affected person, if requested;

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21 (iii) Examining all relevant records of the
22 division and any books, accounts, payrolls or business
23 operation of any employer to secure any information

1 necessary for any investigation conducted under this
2 article at any reasonable time on twenty-four (24) hours
3 notice but excluding Sundays and holidays unless waived by
4 the employer, either in person or through any authorized
5 inspector, agent or deputy.

6

7 (c) Any inquiry that requires the inspection or
8 obtaining of medical records or other resident records
9 which are pertinent to the inquiry shall comply with all
10 established privacy notification requirements.

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12 (d) The worker may participate in planning any course
13 of action to be taken on his behalf by the ombudsman.

14

15 **27-14-904. Resolution of complaints.**

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17 (a) The ombudsman shall attempt to resolve the
18 complaint using mediation and negotiation whenever
19 possible.

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21 (b) Following an investigation, the ombudsman shall
22 report his findings and recommendations to the worker or
23 worker's guardian and may report the findings to any other

1 entity deemed appropriate upon the written consent of the
2 worker or worker's guardian.

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4 (c) The person or entity complained against shall
5 have a reasonable opportunity to respond to the complaint.

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7 **27-14-905. Confidentiality.**

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9 Information collected pursuant to this article shall not be
10 considered a public record for purposes of article 2 of
11 chapter 4 of title 16. Notwithstanding any other provision
12 of law, no information from records maintained by the
13 ombudsman for injured workers shall be disclosed to any
14 business or other members of the public in a manner which
15 identifies the worker filing a complaint.

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17 **27-14-906. Retaliation prohibited.**

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19 No person shall discriminate against any resident, relative
20 or guardian of a resident, employee of a long term care
21 service provider or any other person because of the making
22 of a complaint or providing of information, in good faith,
23 to the ombudsman.

