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HOUSE BILL 1909

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Graham, Lovick, Griffey, Davis, MacEwen, and Corry

1 AN ACT Relating to protecting the confidentiality of industrial  
2 insurance claim records; amending RCW 51.28.070; and prescribing  
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 51.28.070 and 1990 c 209 s 2 are each amended to  
6 read as follows:

7 (1) Information contained in the claim files and records of  
8 injured workers, under the provisions of this title, shall be deemed  
9 confidential and shall not be open to public inspection (other than  
10 to public employees in the performance of their official duties), but  
11 representatives of a claimant, be it an individual or an  
12 organization, may review a claim file or receive specific information  
13 therefrom upon the presentation of the signed authorization of the  
14 claimant.

15 (2) A claimant may review his or her claim file if the director  
16 determines, pursuant to criteria adopted by rule, that the review is  
17 in the claimant's interest.

18 (3)(a) Employers or their duly authorized representatives, and  
19 their agents who have a need to know the information contained in the  
20 claim files of an injured worker, may review any files of their own  
21 injured workers in connection with any pending claims.

1       (b) An employer shall establish a written policy regarding the  
2 storage of any files of its own injured workers to protect the  
3 confidentiality of the information.

4       (c) If the employer or the employer's agent reveals information  
5 in a claim file to any person other than an authorized representative  
6 or a person who has a need to know, the employer is subject to a  
7 civil penalty of one thousand dollars for each occurrence. The  
8 department must investigate a complaint and must issue a notice of  
9 assessment if it determines that the employer or the employer's agent  
10 violated this subsection. The determination may be protested to the  
11 department or appealed to the board of industrial insurance appeals.  
12 Once the order is final, the amount due shall be collected in  
13 accordance with RCW 51.48.140 and 51.48.150 and deposited in the  
14 supplemental pension fund.

15       (4) Physicians treating or examining workers claiming benefits  
16 under this title, or physicians giving medical advice to the  
17 department regarding any claim may, at the discretion of the  
18 department, inspect the claim files and records of injured workers,  
19 and other persons may make such inspection, at the department's  
20 discretion, when such persons are rendering assistance to the  
21 department at any stage of the proceedings on any matter pertaining  
22 to the administration of this title.

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