
SENATE BILL 5844

State of Washington

66th Legislature

2019 Regular Session

By Senators Dhingra and King

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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