

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1909**

66th Legislature  
2019 Regular Session

Passed by the House March 6, 2019  
Yeas 97 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate April 3, 2019  
Yeas 48 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1909** as passed by House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1909**

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Passed Legislature - 2019 Regular Session

**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** House Labor & Workplace Standards (originally sponsored by Representatives Graham, Lovick, Griffey, Davis, MacEwen, and Corry)

READ FIRST TIME 02/21/19.

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 may  
19 review any files of their own injured workers in connection with any  
20 pending claims.

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

13       (4) The department shall ensure that employers and workers are  
14 notified upon the allowance of a claim of their rights and  
15 responsibilities under this section.

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

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