

**SHB 1909** - H AMD 97

By Representative Graham

WITHDRAWN 03/06/2019

1 On page 2, after line 23, insert the following:

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3 "NEW SECTION. **Sec. 2.** (1) The department of labor and industries  
4 shall convene a workgroup on confidentiality of claim records, with a  
5 focus on mental health information. The workgroup shall include  
6 representatives of state fund and self-insured employers including  
7 employers of first responders, representatives of first responders, a  
8 worker with a claim for a mental health condition, a mental health  
9 professional with expertise in post-traumatic stress disorder, and  
10 other members the department determines will assist with the tasks of  
11 the workgroup.

12 (2) The workgroup shall examine current protections for  
13 maintaining the confidentiality of personal health information in  
14 claim records, including mental health information, and make  
15 recommendations regarding:

16 (a) Whether additional protections for maintaining the  
17 confidentiality of personal health information are needed;

18 (b) Whether current processes protect against irrelevant sensitive  
19 personal health information being included in claim records;

20 (c) Whether records regarding mental health conditions or  
21 treatment should be handled differently from other records to assure  
22 injured workers seek care and are able to return to work; and

23 (d) Whether administrative or legislative changes are needed to  
24 protect workers and their personal health information.

25 (3) The department shall submit a preliminary report on the work  
26 of the workgroup by December 1, 2019 and a final report by December 1,  
27 2020 to the appropriate committees of the legislature. The final

1 report shall including findings of the workgroup and any  
2 recommendations for administrative or legislative changes.

3 (4) This section expires June 30, 2021."

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5 Correct the title.

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EFFECT: Requires the Department of Labor and Industries (Department) to convene a workgroup on the confidentiality of claim records, with a focus on mental health information. Specifies that the workgroup shall consist of representatives of State Fund and self-insured employers including employers of first responders, representatives of first responders, a worker with a claim for a mental health condition, a mental health professional with expertise in post-traumatic stress disorder, and other members the Department determines will assist with the tasks of the workgroup.

Directs the workgroup to examine current protections for maintaining confidentiality and make recommendations regarding whether additional protections are needed; whether current processes protect against irrelevant sensitive personal health information being included in claim records; whether records regarding mental health conditions or treatment should be handled differently from other records to assure injured workers seek care and are able to return to work; and whether administrative or legislative changes are needed.

Requires a preliminary report to the Legislature by December 1, 2019 and a final report, with any recommendations, by December 1, 2020.

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