
HOUSE BILL 2256

State of Washington

61st Legislature

2009 Regular Session

By Representatives Conway, Williams, Green, Wood, Simpson, Moeller,
and Kenney

Read first time 02/18/09. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the handling of employee information for
2 workers' compensation purposes; amending RCW 51.36.060; and adding a
3 new section to chapter 51.14 RCW.

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

5 **Sec. 1.** RCW 51.36.060 and 2004 c 65 s 12 are each amended to read
6 as follows:

7 ~~((Physicians or licensed advanced registered nurse practitioners~~
8 ~~examining or attending injured workers under this title shall comply~~
9 ~~with rules and regulations adopted by the director, and shall make such~~
10 ~~reports as may be requested by the department or self-insurer upon the~~
11 ~~condition or treatment of any such worker, or upon any other matters~~
12 ~~concerning such workers in their care. Except under RCW 49.17.210 and~~
13 ~~49.17.250, all medical information in the possession or control of any~~
14 ~~person and relevant to the particular injury in the opinion of the~~
15 ~~department pertaining to any worker whose injury or occupational~~
16 ~~disease is the basis of a claim under this title shall be made~~
17 ~~available at any stage of the proceedings to the employer, the~~
18 ~~claimant's representative, and the department upon request, and no~~
19 ~~person shall incur any legal liability by reason of releasing such~~

1 ~~information.~~) (1) Any time that an examining or attending physician or
2 licensed advanced registered nurse practitioner is contacted by the
3 employer, or a representative of the employer, a written report must be
4 generated by the person or entity initiating contact which fully
5 discloses all subjects discussed and responses given. This report must
6 be completed within five days of the meeting, and a copy must be mailed
7 to the worker no later than the fifth day. Failure to comply with this
8 section constitutes a violation of RCW 51.48.080 and the penalty must
9 be paid to the worker.

10 (2) When an attorney, vocational counselor, nurse case manager, or
11 other representative of the employer seeks to meet with an examining or
12 attending physician or licensed advanced registered nurse practitioner
13 to discuss an injured worker's physical capacities, medical treatment,
14 permanent partial disability, ability to work, or other issues
15 pertaining to the claim:

16 (a) The attorney, vocational counselor, nurse case manager, or
17 other representative of the employer shall give at least seven days'
18 prior written notice to the worker or the worker's designated
19 representative;

20 (b) The worker and the worker's representative have the right to
21 attend and participate in the meeting;

22 (c) The party scheduling the meeting shall make reasonable efforts
23 to coordinate the scheduling of the appointment for the convenience of
24 all parties;

25 (d) The employer or representative of the employer, within five
26 days of the completion of the meeting, shall create a complete report
27 of the meeting, including all questions asked and information provided,
28 and mail a copy to the worker and the worker's designated
29 representative.

30 NEW SECTION. Sec. 2. A new section is added to chapter 51.14 RCW
31 to read as follows:

32 A self-insurer must maintain an office within the state of
33 Washington and a copy of all employee files.

--- END ---