
SUBSTITUTE SENATE BILL 5844

State of Washington

66th Legislature

2019 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Dhingra, King, Darneille, Keiser, Kuderer, Saldaña, and Wagoner)

READ FIRST TIME 02/20/19.

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

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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