
**Labor & Workplace Standards
Committee**

HB 1909

Brief Description: Concerning the confidentiality of industrial insurance claim records.

Sponsors: Representatives Graham, Lovick, Griffey, Davis, MacEwen and Corry.

Brief Summary of Bill

- Provides that if an employer or employer's agent reveals information in an injured worker's claim file to any person other than an authorized representative or a person who has a need to know, the employer is subject to a civil penalty of \$1,000 for each occurrence.
- Requires employers to establish a written policy regarding the storage of injured worker files to protect the confidentiality of the information.

Hearing Date: 2/12/19

Staff: Joan Elgee (786-7106).

Background:

Workers injured in the course of employment are entitled to medical care under the industrial insurance program administered by the Department of Labor and Industries (Department). All medical information relevant to the particular injury in the opinion of the Department must be made available to the employer, as well as the workers' representative and the Department upon request. Workers sign a release authorizing the Department to receive information from the claimant's health care providers regarding the claimant's condition.

Information in claim files and records of injured workers are generally confidential. Employers, or their duly authorized representatives, may review files of their own injured workers in connection with any pending claims.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

All workers and employers contribute to the Supplemental Pension Fund, which pays for cost-of-living adjustments for injured workers.

Summary of Bill:

An employer must establish a written policy regarding the storage of any files of its injured workers to protect the confidentiality of the information.

Those that may review claim files are employers, or their duly authorized representatives, or their agents who have a need to know.

If the employer or the employer's agent reveals information in a claim file to any person other than an authorized representative or a person who has a need to know, the employer is subject to a civil penalty of \$1,000 for each occurrence. The Department must investigate a complaint and issue a notice of assessment if it determines that the employer violated the prohibition. The determination may be appealed. Once the order is final the penalty amount is deposited into the Supplemental Pension Fund.

Appropriation: None.

Fiscal Note: Requested on February 6, 2019.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.