

FINAL BILL REPORT

SHB 1909

C 34 L 19
Synopsis as Enacted

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

Sponsors: House Committee on Labor & Workplace Standards (originally sponsored by Representatives Graham, Lovick, Griffey, Davis, MacEwen and Corry).

House Committee on Labor & Workplace Standards
Senate Committee on Labor & Commerce

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). Health care providers must make all medical information relevant to the particular injury, in the opinion of the Department, available to the employer, as well as the workers' representative and the Department upon request.

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

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

Summary:

If the employer or the duly authorized representative reveals information in a claim file regarding a mental health condition or treatment to any person other than a duly authorized representative, 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 collected and deposited into the Supplemental Pension Fund.

The Department must ensure that employers and workers are notified of their rights and responsibilities regarding claim files.

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.

Votes on Final Passage:

House 97 0

Senate 48 0

Effective: July 28, 2019