

RCW 51.28.070 Claim files and records confidential. (1)

Information contained in the claim files and records of injured workers, under the provisions of this title, shall be deemed confidential and shall not be open to public inspection (other than to public employees in the performance of their official duties), but representatives of a claimant, be it an individual or an organization, may review a claim file or receive specific information therefrom upon the presentation of the signed authorization of the claimant.

(2) A claimant may review his or her claim file if the director determines, pursuant to criteria adopted by rule, that the review is in the claimant's interest.

(3) (a) Employers or their duly authorized representatives may review any files of their own injured workers in connection with any pending claims.

(b) If the employer or the employer's 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 one thousand dollars for each occurrence. The department must investigate a complaint and must issue a notice of assessment if it determines that the employer or the employer's duly authorized representative violated this subsection. The determination may be protested to the department or appealed to the board of industrial insurance appeals. Once the order is final, the amount due shall be collected in accordance with RCW 51.48.140 and 51.48.150 and deposited in the supplemental pension fund.

(4) The department shall ensure that employers and workers are notified upon the allowance of a claim of their rights and responsibilities under this section.

(5) Physicians treating or examining workers claiming benefits under this title, or physicians giving medical advice to the department regarding any claim may, at the discretion of the department, inspect the claim files and records of injured workers, and other persons may make such inspection, at the department's discretion, when such persons are rendering assistance to the department at any stage of the proceedings on any matter pertaining to the administration of this title. [2019 c 34 s 1; 1990 c 209 s 2; 1977 ex.s. c 350 s 36; 1975 1st ex.s. c 224 s 6; 1961 c 23 s 51.28.070. Prior: 1957 c 70 s 51.]

Effective date—1975 1st ex.s. c 224: See note following RCW 51.04.110.