

WAC 296-802-40010 Provide employee medical records. (1) You must make sure employees have access, upon request, to their own medical records.

Note:

- A physician, nurse, or other responsible health care professional who maintains employee medical records may delete from requested medical records the identity of individuals who provided confidential information regarding an employee's health status.
- If a physician represents you and believes that providing an employee access to their specific diagnosis of a terminal illness or psychiatric condition could harm the employee, they may request that the record be released only to a designated representative having specific written authorization.
- The physician representing you may recommend that the employee or designated representative do one of the following:
 - Consult with the physician to review and discuss requested records.
 - Accept a summary of facts and opinions instead of requested records.
 - Accept the release of requested records only to another physician or designated representative.

(2) You must make sure that individual employees are not identified in any portion of analyses that report the contents of employee medical records. Identifying information includes:

(a) Both direct identifiers such as name, address, Social Security number, and payroll number; and

(b) Other information that could reasonably be used in the circumstances to identify individual employees such as exact age, height, or weight.

Note: If it is not feasible to remove personal identifying information from a document, you do not have to provide the portions where personal identifiers cannot be moved.

(3) You must provide designated representatives access to employee medical records when the employee provides specific written authorization.

(a) If the written authorization does not contain an expiration date, it expires ninety days after it is signed.

(b) Release only medical information that exists on the date of the written employee consent, unless the consent specifically states that future information may be released.

Note: An employee may revoke the specific written authorization in writing at any time.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 18-22-116, § 296-802-40010, filed 11/6/18, effective 12/7/18; WSR 04-10-026, § 296-802-40010, filed 4/27/04, effective 8/1/04.]