



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do **NOT** use for expedited rule making

**Agency:** Department of Labor and Industries

**Subject of possible rule making:** Industrial Insurance, Chapter 296-14 WAC, Release and Protection of Claim File Information

**Statutes authorizing the agency to adopt rules on this subject:** RCW 51.04.010, RCW 51.04.020 and RCW 51.28.070.

**Reasons why rules on this subject may be needed and what they might accomplish:** Based on the statutes listed above, the Department of Labor and Industries (L&I) establishes and adopts rules governing administration of the industrial insurance laws. The proposed rules would provide clarification about claim file confidentiality, and how and by whom confidentiality must be maintained.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** No other federal or state agencies regulate this subject. Federal HIPAA laws, while affecting confidentiality of protected health information, exempt workers' compensation from their authorization requirement (45 CFR § 164.512(l)).

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) Labor and Industries will begin the rule development process by drafting proposed rules and soliciting input from the business and labor communities. Labor and Industries will share the draft proposal with stakeholders and other interested parties, including the Workers' Compensation Advisory Committee. A public hearing will be held in Tumwater after the proposal is filed.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Department of Labor and Industries  
Audrey Pitchford  
Administrative Regulations Analyst 1  
P. O. Box 4-4208  
Olympia WA 98504-4208

(360) 902-4583 phone  
(360) 902-4960 fax  
PITA235@LNI.WA.GOV

**DATE**  
November 16, 2004

**NAME (TYPE OR PRINT)**  
Paul Trause

**SIGNATURE**

**TITLE**  
Director

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