
SUBSTITUTE SENATE BILL 5329

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Commerce & Labor (originally sponsored by Senators Anderson, Owen, Matson and McCaslin).

Read first time March 6, 1991.

1 AN ACT Relating to self-insured employers' claims reopenings; and
2 amending RCW 51.32.160.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 51.32.160 and 1988 c 161 s 11 are each amended to read
5 as follows:

6 If aggravation, diminution, or termination of disability takes
7 place, the director or, in cases of aggravation, the self-insured
8 employer may, upon the application of the beneficiary, made within
9 seven years from the date the first closing order becomes final, or at
10 any time upon ((~~his or her~~)) the director's own motion, readjust the
11 rate of compensation in accordance with the rules in this section
12 provided for the same, or in a proper case terminate the payment:
13 PROVIDED, That the director may, upon application of the worker made at
14 any time, provide proper and necessary medical and surgical services as
15 authorized under RCW 51.36.010. "Closing order" as used in this

1 section means an order based on factors which include medical
2 recommendation, advice, or examination. Applications for benefits
3 where the claim has been closed without medical recommendation, advice,
4 or examination are not subject to the seven year limitation of this
5 section. The preceding sentence shall not apply to any closing order
6 issued prior to July 1, 1981. First closing orders issued between July
7 1, 1981, and July 1, 1985, shall, for the purposes of this section
8 only, be deemed issued on July 1, 1985. The time limitation of this
9 section shall be ten years in claims involving loss of vision or
10 function of the eyes. If an order denying an application to reopen
11 filed on or after July 1, 1988, is not issued within ninety days of
12 receipt of such application by the self-insured employer or the
13 department, such application shall be deemed granted. However, for
14 good cause, the department or self-insured employer may extend the time
15 for making the final determination on the application for an additional
16 sixty days.

17 If a worker receiving a pension for total disability returns to
18 gainful employment for wages, the director may suspend or terminate the
19 rate of compensation established for the disability without producing
20 medical evidence that shows that a diminution of the disability has
21 occurred.

22 No act done or ordered to be done by the director, or the
23 department prior to the signing and filing in the matter of a written
24 order for such readjustment shall be grounds for such readjustment.

25 In cases of aggravation accepted by self-insured employers, the
26 administration of the reopened claims shall continue to be in
27 accordance with RCW 51.32.090.