

SENATE BILL REPORT

ESHB 2696

AS REPORTED BY COMMITTEE ON LABOR & COMMERCE, FEBRUARY 25, 1994

Brief Description: Developing procedures and criteria for chemically related illness.

SPONSORS: House Committee on Commerce & Labor (originally sponsored by Representatives Flemming, Heavey, Backlund, Veloria, Thibaudeau, Campbell, Valle, Wineberry, Holm, Roland, Johanson, Pruitt, J. Kohl, Jones, L. Johnson, King, Karahalios, Conway and Springer)

HOUSE COMMITTEE ON COMMERCE & LABOR

HOUSE COMMITTEE ON APPROPRIATIONS

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass as amended.

Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Fraser, McAuliffe, Pelz, Sutherland and Wojahn.

Staff: David Cheal (786-7576)

Hearing Dates: February 21, 1994; February 25, 1994

BACKGROUND:

Workers may be exposed to a variety of chemicals in both workplace and nonwork settings. Many exposures lead to well-defined and accepted diagnoses, such as contact dermatitis. However, among researchers and the medical community there is disagreement about the effects of other exposures.

To provide guidance for the management of industrial insurance claims that include exposure to chemicals, the Department of Labor and Industries developed an interim plan in conjunction with several state agencies. In addition, the department has begun a review of complex chemically related illness claims and has created a special claims unit for these cases.

SUMMARY:

By July 1, 1994, the Department of Labor and Industries must establish interim criteria and procedures to ensure consistent and fair adjudication of claims involving chemically related illness. The final criteria and procedures must be adopted by December 31, 1994. The department must assign claims managers with special training or expertise to manage claims that are determined to require expert management.

An advisory committee is established to consult with and advise agencies on issues related to chemically related illness. The two lead agencies are the Department of Labor

and Industries and the Department of Health. Members of the advisory committee include three persons representing workers with chemically related illness and one representative of each of the following: the Department of Labor and Industries, the Department of Health, the State Board of Health, the State Health Care Authority, the Department of Social and Health Services, the Office of the Insurance Commissioner, the Department of Ecology, the Department of Agriculture, the Employment Security Department, each caucus of the Senate and House of Representatives, the Governor's Office, physicians and osteopathic physicians, state fund and self-insured employers and workers of state fund and self-insured employers. The committee will review, among other issues, the development of the criteria and procedures for adjudicating claims, the responsibilities of the agencies and the coordination between chemically related occupational disease and public health issues. The committee terminates on June 30, 1995.

The Department of Labor and Industries is directed to establish one or more centers for research and clinical assessment of chemically related illness. The department is also directed to conduct research on chemically related illness. The Workers' Compensation Advisory Committee and a scientific advisory committee will provide oversight of the research projects that are funded. A regional research project is encouraged. The research will be funded with appropriations from the medical aid fund, with the state fund and self-insured employers paying a pro rata share based on worker hours.

In consultation with the Workers' Compensation Advisory Committee, the Department of Labor and Industries and the Department of Health must make a joint interim report by December 31, 1994, and a final report by June 30, 1995, to the Governor and Legislature on the status of the criteria and procedures for management of chemically related illness claims, research projects, other initiatives related to chemically related illness and any recommendations for legislation. Included in the report will be a plan to include occupational information in the automated health data bases and a plan to make occupational diseases reportable conditions.

SUMMARY OF PROPOSED COMMITTEE AMENDMENT:

The advisory committee is reduced from 21 to ten. It includes three workers with chemically related illness, three employers, two doctors, and a representative of the Department of Health and Department of Labor and Industries.

The research directives are amended to expressly include double blind studies, peer review and recognized medical research institutions.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

This bill can support needed research in this area and stimulate continued examination of specialized claims procedures for chemically injured workers. It is a measured response to a serious problem. Current procedures are not well suited to handling these claims and existing diagnostic tests are inconclusive.

TESTIMONY AGAINST:

The bill doesn't go far enough. These things are being done by the Department of Labor and Industries now. A research plan should be developed before seeking public funds.

TESTIFIED: Cliff Webster, Kenneth Martin, MD, WA State Medical Assn.; Steve Harrington, WA Self Insurers Assn. (con); Enid Laves, WA Agri Business Coalition (con); Ronald Stout, union representative (pro); Betty Clark, injured worker (pro); Carmen Allim, Chairman, Air Quality Comm. and Injured Worker (pro); Donalee Kessler, Victoria Loney, chemically injured workers (pro); Theresa Whitmarsh, L&I (pro); Karen McDonell, MLS Community (pro); Duncan Wurm, WFFF (con)