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ENGROSSED HOUSE BILL 1242

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State of Washington

53rd Legislature

1993 Regular Session

By Representatives King, Heavey, Franklin, G. Cole, Jones, Springer and  
Veloria

Read first time 01/20/93. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to compensation during industrial insurance  
2 appeals; and amending RCW 51.52.060.

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

4 **Sec. 1.** RCW 51.52.060 and 1986 c 200 s 11 are each amended to read  
5 as follows:

6 ~~((Any))~~ (1)(a) A worker, beneficiary, employer, or other person  
7 aggrieved by an order, decision, or award of the department must,  
8 before he or she appeals to the courts, file with the board and the  
9 director, by mail or personally, within sixty days from the day on  
10 which ~~((such))~~ a copy of ~~((such))~~ the order, decision, or award was  
11 communicated to such person, a notice of appeal to the board(~~(÷~~  
12 ~~PROVIDED, That))~~. However, a health services provider or other person  
13 aggrieved by a department order or decision making demand, whether with  
14 or without penalty, for repayment of sums paid to a provider of  
15 medical, dental, vocational, or other health services rendered to an  
16 industrially injured worker must, before he or she appeals to the  
17 courts, file with the board and the director, by mail or personally,  
18 within twenty days from the day on which ~~((such))~~ a copy of ~~((such))~~  
19 the order or decision was communicated to the health services provider

1 upon whom the department order or decision was served, a notice of  
2 appeal to the board.

3 (b) Failure to file a notice of appeal with both the board and the  
4 department shall not be grounds for denying the appeal if the notice of  
5 appeal is filed with either the board or the department.

6 (2) Within ten days of the date on which an appeal has been granted  
7 by the board, the board shall notify the other interested parties  
8 ((thereto)) to the appeal of the receipt ((thereof)) of the appeal and  
9 shall forward a copy of ((said)) the notice of appeal to ((such)) the  
10 other interested parties. Within twenty days of the receipt of such  
11 notice of the board, the worker or the employer may file with the board  
12 a cross-appeal from the order of the department from which the original  
13 appeal was taken( (:—PROVIDED, That nothing contained in this section  
14 shall be deemed to change, alter or modify the practice or procedure of  
15 the department for the payment of awards pending appeal:—AND PROVIDED,  
16 That failure to file notice of appeal with both the board and the  
17 department shall not be ground for denying the appeal if the notice of  
18 appeal is filed with either the board or the department:—AND PROVIDED,  
19 That,))).

20 (3) If within the time limited for filing a notice of appeal to the  
21 board from an order, decision, or award of the department, the  
22 department ((shall)) directs the submission of further evidence or the  
23 investigation of any further fact, the time for filing such notice of  
24 appeal shall not commence to run until ((such)) the person ((shall  
25 have)) has been advised in writing of the final decision of the  
26 department in the matter( (:—PROVIDED, FURTHER, That)). In the event  
27 the department ((shall)) directs the submission of further evidence or  
28 the investigation of any further fact, as ((above)) provided in this  
29 section, the department shall render a final order, decision, or award  
30 within ninety days from the date ((such)) further submission of  
31 evidence or investigation of further fact is ordered which time period  
32 may be extended by the department for good cause stated in writing to  
33 all interested parties for an additional ninety days( (:—PROVIDED,  
34 FURTHER, That)).

35 (4) The department, either within the time limited for appeal, or  
36 within thirty days after receiving a notice of appeal, may:

37 (a) Modify, reverse or change any order, decision, or award((τ))i  
38 or ((may))

1        (b) Hold ((any-such)) the order, decision, or award in abeyance for  
2 a period of ninety days which time period may be extended by the  
3 department for good cause stated in writing to all interested parties  
4 for an additional ninety days pending further investigation in light of  
5 the allegations of the notice of appeal((,--and)). The board shall  
6 ((thereupon)) deny the appeal upon the issuance of an order holding the  
7 earlier order, decision, or award in abeyance, without prejudice to the  
8 appellant's right to appeal from any subsequent determinative order  
9 issued by the department.

10        (5) No provision of this section shall be deemed to change, alter,  
11 or modify the practice or procedure of the department for the payment  
12 of awards pending appeal. However, if an employer appeals to the board  
13 a department order granting temporary total disability compensation or  
14 medical aid benefits under chapter 51.36 RCW, or both, to a worker, the  
15 worker shall be entitled to the compensation or benefits while the  
16 appeal is pending before the board, subject to the requirements of RCW  
17 51.32.240(3).

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