
HOUSE BILL 1247

State of Washington 53rd Legislature 1993 Regular Session

By Representatives King, Heavey, Franklin, Jones, G. Cole and Johanson

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

1 AN ACT Relating to reopening of industrial insurance claims; 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 (1) If aggravation, diminution, or termination of disability takes
7 place, the director may, upon the application of the beneficiary, made
8 within seven years from the date the first closing order becomes final,
9 or at any time upon his or her own motion, readjust the rate of
10 compensation in accordance with the rules in this section provided for
11 the same, or in a proper case terminate the payment(~~(:—PROVIDED,~~
12 That)). However, the director may, upon application of the worker made
13 at any time, provide proper and necessary medical and surgical services
14 as authorized under RCW 51.36.010. (~~("Closing order" as used in this~~
15 section means an order based on factors which include medical
16 recommendation, advice, or examination.)) First closing orders issued
17 between July 1, 1981, and July 1, 1985, shall, for the purposes of this
18 section only, be deemed issued on July 1, 1985.

1 (2) Applications for benefits where the claim has been closed
2 without medical recommendation, advice, or examination are not subject
3 to the seven year limitation of this section. ((The preceding
4 sentence)) This subsection shall not apply to any closing order issued
5 prior to July 1, 1981. ((First closing orders issued between July 1,
6 1981, and July 1, 1985, shall, for the purposes of this section only,
7 be deemed issued on July 1, 1985.))

8 (3) The time limitation of this section shall be ten years in
9 claims involving loss of vision or function of the eyes.

10 (4) If an order denying an application to reopen filed on or after
11 July 1, 1988, is not issued within ninety days of receipt of such
12 application by the self-insured employer or the department, such
13 application shall be deemed granted. However, for good cause, the
14 department may extend the time for making the final determination on
15 the application for an additional sixty days.

16 (5) If temporary disability compensation is payable to the injured
17 worker under an order granting an application to reopen the worker's
18 claim, payment shall be based on the worker's wage at the time of
19 filing the application to reopen or the worker's wage at the time of
20 injury, whichever is greater, and shall be computed under the schedule
21 of payments in effect at the time the application is granted or at the
22 time of injury, whichever is higher.

23 (6) If a worker receiving a pension for total disability returns to
24 gainful employment for wages, the director may suspend or terminate the
25 rate of compensation established for the disability without producing
26 medical evidence that shows that a diminution of the disability has
27 occurred.

28 (7) No act done or ordered to be done by the director, or the
29 department prior to the signing and filing in the matter of a written
30 order for such readjustment shall be grounds for such readjustment.

31 (8) "Closing order" as used in this section means an order based on
32 factors which include medical recommendation, advice, or examination.

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