

# HOUSE BILL ANALYSIS

## HB 1542

**Brief Description:** Revising provisions relating to compensation during reconsideration of Department of Labor and Industries industrial insurance orders.

---

**Sponsors:** Representatives Cole, Conway, Keiser, Veloria, Cody, Mason, Gombosky, Butler and Sullivan

Hearing: February 26, 1997

### **BACKGROUND:**

Under written departmental policy, the Department of Labor and Industries generally does not pay time-loss benefits to an injured worker while the employer's appeal is pending at the Board of Industrial Insurance Appeals. Exceptions to the policy permit benefits to continue during appeal if the issue under appeal does not involve the payment of time-loss benefits or the allowance or reopening of the claim, or if the employer's appeal is unfounded. The department's policy states that it is intended to avoid unnecessary department recoupment costs when an appeal is resolved in favor of the employer. If the department pays benefits, all parties to the appeal are notified and the benefits are subject to recoupment.

Before appealing a departmental order to the Board of Industrial Insurance Appeals, parties aggrieved by the order may request reconsideration by the department. The industrial insurance law does not address payment of benefits while the order is under reconsideration.

### **SUMMARY OF BILL:**

If an employer requests reconsideration of a Department of Labor and Industries' industrial insurance order in favor of an injured worker, the time-loss or medical aid benefits granted to the worker by the order must continue while the reconsideration is pending. If the employer appeals an order granting time-loss or medical benefits to a worker, the worker is entitled to those benefits while the appeal is pending before the Board of Industrial Insurance Appeals.

The benefits are subject to repayment and recoupment if the benefits are determined to have been erroneously granted.

**RULES AUTHORITY:** The bill does not contain provisions addressing the rule-making powers of an agency.

**FISCAL NOTE:** Requested on February 18, 1997.

**EFFECTIVE DATE:** Ninety days after adjournment of session in which bill is passed.