

HOUSE BILL ANALYSIS

HB 2048

Brief Description: Amending requirements for applying for benefits for occupational disease or injury.

Sponsors: Representative Clements and McMorris

Hearing: February 26, 1997

BACKGROUND:

For an occupational disease claim to be valid under the industrial insurance law, the claim must be filed within two years after the worker receives written notice from a physician of the existence of the disease and that a claim may be filed. The physician's notice must also state that the worker has two years to file a claim.

The physician must file the occupational disease notice with the Department of Labor and Industries. The department is responsible for forwarding the notice to the worker and the worker's employer, if the employer is self-insured.

In a case brought under this statute, the Washington Supreme Court held that the notice requirement also applies to beneficiaries filing claims after the death of an injured worker suffering from an occupational disease. Under this interpretation, the statute permits a beneficiary to file a claim within two years after receiving the physician's notice or within two years after the death of the worker.

SUMMARY OF BILL:

The requirements under the industrial insurance law for determining the period for filing applications for occupational disease claims are modified. The worker's two-year filing period begins when the worker knew or should have known that he or she had an occupational disease, except for hearing loss claims. The requirements are deleted for written notice from a physician regarding the existence of an occupational disease and for distribution of the physician's notice.

For hearing loss occupational disease claims, the application must be filed within six months of the worker receiving information from a physician that he or she has suffered a hearing loss and within five years of the last employment most likely to have caused the hearing loss.

An application for a claim from a beneficiary of a worker with an occupational disease must be filed within two years after the worker's death.

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

FISCAL NOTE: Not requested.

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