

2 **ESSB 5470** - S AMD - 073
3 By Senator Hochstatter

4 NOT ADOPTED 2/10/00; ROLL CALL VOTE 21-22

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** (1) The legislature finds that chemically
8 related illnesses continue to present unique challenges to the state
9 industrial insurance system. Many of these illnesses are difficult to
10 diagnose and create real hardship for individuals who suffer from
11 related health problems. At the same time many of these illnesses are
12 not work-related, but nonetheless result in extensive litigation which
13 imposes great costs and hardship on employers.

14 (2) The legislature further recognizes that the department, in
15 order to accept a claim for a chemically related illness, or any other
16 occupational disease, must meet a minimum standard of causality in the
17 relationship between a putative exposure and a claimed illness.

18 NEW SECTION. **Sec. 2.** A study shall be conducted to determine:

19 (1) Which occupational diseases should be considered chemically
20 related illnesses so that an accurate annual count of such illnesses
21 may be reported;

22 (2) The best method of reporting such diseases annually, including
23 the most accurate set of available or obtainable data elements;

24 (3) A review of relevant scientific literature regarding the
25 criteria for determining causality or work-relatedness in occupational
26 diseases. This review shall at least include:

27 (a) Methods generally accepted in the determination of whether an
28 exposure or exposures are likely to be toxic and/or causative;

29 (b) Methods generally accepted in the determination of the presence
30 or absence of a definable clinical condition;

31 (c) Methods generally accepted in determining the relationship
32 between the exposure and the clinical condition;

33 (d) How the methods enumerated in 3(a), 3(b), and 3(c) are related
34 to the current statutory, regulatory, case law, policy and claims

1 administration criteria for determining causality in occupational
2 diseases in Washington state.

3 (4) A review of the current process for handling chemically related
4 illness claims at the department of labor and industries and the
5 disposition of these claims;

6 (5) The medical diagnosis made by physicians for a random sample of
7 such claims filed with the department and an analysis of the scientific
8 adequacy of the tests and examinations used in the diagnosis;

9 (6) A review of industries with the highest incident rate of
10 chemically related illnesses and an examination of incident rates and
11 dispositions in other states with similar industries;

12 (7) The most appropriate approach to better utilize SHARP and
13 University of Washington programs funded by the department to expand
14 medical research and cooperative efforts in areas where existing
15 research is not adequate.

16 NEW SECTION. **Sec. 3.** The workers' compensation advisory committee
17 shall advise and provide oversight to the study in section 2 of this
18 act. The committee shall report back to the legislature on an interim
19 basis in December 2000, and with a final report in June, 2001. The
20 final report shall make recommendations which are a consensus of the
21 committee.

22 NEW SECTION. **Sec. 4.** (1) The department may contract with one or
23 more occupational medicine, industrial hygiene, toxicology,
24 epidemiology, or other appropriate nationally recognized experts to
25 conduct the study.

26 (2) A sum of \$250,000 allocated equally from the Medical Aid Fund,
27 with self-insured employers and the state fund each paying a
28 proportionate share is appropriated for the purposes of conducting the
29 study."

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33 On page 1, on line 1 of the title, strike everything after
34 "injuries;" and insert "creating new sections; and making an
35 appropriation."

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