
HOUSE BILL 2047

State of Washington 56th Legislature 1999 Regular Session

By Representatives Clements and Conway

Read first time 02/15/1999. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to implementing recommendations for industrial
2 insurance; adding new sections to chapter 51.28 RCW; creating new
3 sections; repealing RCW 51.28.010, 51.28.020, and 51.28.025;
4 prescribing penalties; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** (1) By September 15, 1999, the department of
7 labor and industries shall develop a plan for implementing the
8 recommendations contained in the joint legislative audit and review
9 committee's report on the workers' compensation system performance
10 audit mandated under chapter 330, Laws of 1997. The department shall
11 report on the plan by December 1, 1999, to the appropriate committees
12 of the legislature, including at a minimum:

13 (a) A review of the recommendations that the department has
14 implemented or plans to implement, with timelines for implementation;

15 (b) A review of the recommendations that the department does not
16 plan to implement, if any, with the reasons for such decisions; and

17 (c) Recommendations for legislation that may be required to
18 implement the recommendations.

1 (2) By December 1, 1999, the department of labor and industries
2 shall report to the appropriate committees of the legislature on a plan
3 for improving the industrial insurance vocational rehabilitation system
4 and recommendations for legislation, if any.

5 NEW SECTION. **Sec. 2.** It is the intent of the legislature that
6 sections 3 through 5 of this act implement recommendation two contained
7 in the joint legislative audit and review committee's report on the
8 workers' compensation system performance review audit mandated under
9 chapter 330, Laws of 1997.

10 NEW SECTION. **Sec. 3.** (1) Within seven days after the employer has
11 notice or knowledge of the occurrence of an injury or occupational
12 disease sustained by a worker that requires treatment from a health
13 services provider, constitutes a permanent impairment, renders the
14 worker unable to perform a regularly established job at the worker's
15 place of employment during any portion of his or her regular shift, or
16 causes death, the employer shall file with the department a written
17 report that sets forth:

18 (a) The name, address, and business of the employer;

19 (b) The name, address, and occupation of the employee;

20 (c) The date, time, and cause of the injury or occupational
21 disease;

22 (d) Whether the injury or occupational disease arose in the course
23 of the injured worker's employment;

24 (e) All available information pertaining to the nature of the
25 injury or occupational disease including but not limited to any visible
26 signs, any complaints of the worker, any time lost from work, the wages
27 paid to the worker including the reasonable value of board, housing,
28 fuel, or other consideration of like nature; and the other observable
29 effect on the worker's bodily functions, so far as known;

30 (f) Work site location of injury; and

31 (g) Other pertinent information as required by department rules.

32 (2) Failure or refusal to submit the report required by subsection
33 (1) of this section shall subject the offending employer to a penalty
34 determined by the director, or his or her designee, in an amount not to
35 exceed five hundred dollars for each offense. Any penalty received
36 under this subsection shall be paid into the supplemental pension
37 reserve fund.

1 (3) The department shall adopt such rules as may be necessary to
2 implement this section.

3 NEW SECTION. **Sec. 4.** (1) A worker claiming benefits under this
4 title must file a written application for benefits with the department
5 or the employer. The application for benefits must contain sufficient
6 information to provide the department or employer with notice that the
7 worker sustained an industrial injury or contracted an occupational
8 disease, and that benefits are claimed under this title. An employer,
9 except a self-insured employer, receiving an application for benefits
10 under this title shall forward the application to the department within
11 seven days after its receipt. On receiving the application for
12 benefits, the employer or department, as the case may be, shall
13 immediately forward to the worker or the worker's beneficiary
14 notification, in nontechnical language, of his or her rights under this
15 title. The department may develop forms to assist workers and
16 employers in the application process.

17 (2) In addition to the application for benefits, the worker shall
18 file with the department or employer a certificate from his or her
19 attending doctor, and it is the duty of the doctor to inform the
20 injured worker of his or her rights under this title and to provide
21 such additional information as required by department rules without
22 charge to the worker. The department shall provide attending doctors
23 with a manual that outlines procedures to be followed in applications
24 for benefits involving occupational diseases, and that describes
25 worker's rights and responsibilities related to occupational disease
26 claims.

27 (3) An employer, other than a self-insured employer, that fails to
28 forward an application for benefits to the department within seven days
29 from the date of its receipt is subject to a penalty determined by the
30 director, or his or her designee, but not to exceed five thousand
31 dollars for each offense. Any penalty received under this subsection
32 shall be paid to the supplemental pension reserve fund.

33 (4) An employer that has notice or knowledge of the occurrence of
34 an injury or occupational disease sustained by a worker that requires
35 medical treatment from a health services provider, constitutes a
36 permanent impairment, or renders the worker unable to perform a
37 regularly established job at the worker's place of employment during
38 any portion of his or her regular shift, shall provide the worker with

1 written notice, in nontechnical language, of the worker's rights under
2 this title. The notice shall also inform the worker how to apply for
3 benefits under this title.

4 (5) The department shall adopt such rules as may be necessary to
5 implement this section.

6 NEW SECTION. **Sec. 5.** (1) A worker shall give his or her employer
7 notice of an injury or occupational disease sustained in the course of
8 his or her employment and requiring treatment by a health services
9 provider within thirty days after the injury, or within thirty days
10 after the worker knows the nature of the injury or occupational disease
11 and its relationship to the employment.

12 (2) The notice shall be in writing, shall contain the name and
13 address of the worker, and a statement of time, place, nature, and
14 cause of the accident, and shall be signed by the worker or by some
15 person on the worker's behalf.

16 (3) Notice shall be given to the employer by delivering it or
17 sending it by mail addressed to the employer's last known place of
18 business. The notice may be given to the employer, partner,
19 supervisor, agent, or officer of the employer.

20 (4) The department shall adopt such rules as may be necessary to
21 implement this section.

22 NEW SECTION. **Sec. 6.** The following acts or parts of acts are each
23 repealed:

24 (1) RCW 51.28.010 (Notice of accident--Notification of worker's
25 rights) and 1977 ex.s. c 350 s 32, 1975 1st ex.s. c 224 s 4, 1971 ex.s.
26 c 289 s 5, & 1961 c 23 s 51.28.010;

27 (2) RCW 51.28.020 (Worker's application for compensation--Physician
28 to aid in) and 1984 c 159 s 3, 1977 ex.s. c 350 s 33, 1971 ex.s. c 289
29 s 38, & 1961 c 23 s 51.28.020; and

30 (3) RCW 51.28.025 (Duty of employer to report injury or disease--
31 Contents--Penalty) and 1987 c 185 s 32, 1985 c 347 s 1, 1975 1st ex.s.
32 c 224 s 5, & 1971 ex.s. c 289 s 39.

33 NEW SECTION. **Sec. 7.** Sections 2 through 4 of this act are each
34 added to chapter 51.28 RCW.

1 NEW SECTION. **Sec. 8.** Sections 3 through 5 of this act take effect
2 September 15, 1999.

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