
SENATE BILL 5581

State of Washington

56th Legislature

1999 Regular Session

By Senators Franklin, Roach, Fairley, Thibaudeau, Prentice and Kohl-Welles

Read first time . Referred to Committee on .

1 AN ACT Relating to reopening workers' compensation claims; amending
2 RCW 51.32.160; creating a new section; and declaring an emergency.

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

4 **Sec. 1.** RCW 51.32.160 and 1995 c 253 s 2 are each amended to read
5 as follows:

6 (1)(a) If aggravation, diminution, or termination of disability
7 takes place, the director may at any time, upon the application of the
8 beneficiary(~~(, made within seven years from the date the first closing~~
9 ~~order becomes final, or at any time))~~ or upon ~~((his or her))~~ the
10 director's own motion, readjust the rate of compensation in accordance
11 with the rules in this section provided for the same, or in a proper
12 case terminate the payment(~~(: PROVIDED, That the director may, upon~~
13 ~~application of the worker made at any time,))~~ or provide proper and
14 necessary medical and surgical services as authorized under RCW
15 51.36.010. The department shall promptly mail a copy of the
16 application to the employer at the employer's last known address as
17 shown by the records of the department.

1 (b) (~~"Closing order" as used in this section means an order based~~
2 ~~on factors which include medical recommendation, advice, or~~
3 ~~examination.~~

4 (c) ~~Applications for benefits where the claim has been closed~~
5 ~~without medical recommendation, advice, or examination are not subject~~
6 ~~to the seven year limitation of this section. The preceding sentence~~
7 ~~shall not apply to any closing order issued prior to July 1, 1981.~~
8 ~~First closing orders issued between July 1, 1981, and July 1, 1985,~~
9 ~~shall, for the purposes of this section only, be deemed issued on July~~
10 ~~1, 1985. The time limitation of this section shall be ten years in~~
11 ~~claims involving loss of vision or function of the eyes.~~

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

18 (2) If a worker receiving a pension for total disability returns to
19 gainful employment for wages, the director may suspend or terminate the
20 rate of compensation established for the disability without producing
21 medical evidence that shows that a diminution of the disability has
22 occurred.

23 (3) No act done or ordered to be done by the director, or the
24 department prior to the signing and filing in the matter of a written
25 order for such readjustment shall be grounds for such readjustment.

26 NEW SECTION. **Sec. 2.** This act applies to all claims filed under
27 Title 51 RCW on or after the effective date of this act and to all
28 claims that are open, or remain subject to appeal, as of the effective
29 date of this act, regardless of the date of injury.

30 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of the
32 state government and its existing public institutions, and takes effect
33 immediately.

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