

Commerce & Labor Committee

HB 1950

Brief Description: *Describing worker rights under industrial insurance.*

Sponsors: *Representatives Conway, Clements, Wood, Kenney and Miloscia.*

Brief Summary of Bill

- *Requires employers to give notice to employees (30 days after hire or after receiving a report of an accident) of an injured worker's right to receive health services from a provider of the worker's choice.*
- *Requires the Department of Labor and Industries to modify certain forms to give injured workers notice of the right to receive health services from a provider of the worker's choice.*

Hearing Date: *2/21/01*

Staff: *Chris Cordes (786-7103).*

Background:

A worker who, in the course of employment, is injured or suffers disability from an occupational disease is entitled to benefits under Washington's industrial insurance law. These benefits include proper and necessary medical and surgical services from a physician of the worker's choice. The health services that are available to an injured worker also include chiropractic care and evaluation.

When a workplace accident occurs, the worker must report the accident to the employer, and the employer must report the accident to the Department of Labor and Industries if the accident involves treatment, hospitalization, disability, or death. On receiving the notice, the department must send the worker a notice of his or her rights in nontechnical language. If the department determines that the worker is entitled to compensation, the department must notify the employer and include an explanation of the employer's rights.

Under department rules, self-insured employers must notify workers of their industrial insurance rights and obligations within 30 days of hire and when a worker files a claim. This requirement is satisfied if the employer uses certain forms developed by the department.

Summary of Bill:

Injured worker's right to choose a health care provider. An injured worker's right to choose medical and surgical services from a "physician" is modified to include "other health services providers acting in the scope of practice."

Employer notice. Employers must give a worker notice of an injured worker's right to receive health services from the provider of the worker's choice:

- *within 30 days of hire, beginning January 1, 2002. This notice must notify workers of the process for filing a claim and use a department form or substantially equivalent form; and*
- *after receiving a report of an accident in the workplace.*

Employers may not direct an injured worker to a particular provider or kind of provider except for emergency or first aid treatment or while transporting the worker to a medical facility.

Department forms. The Department of Labor and Industries must modify the following notices to specify the worker's right to receive health services from the provider of his or her choice:

- *notices sent to an injured worker after the department receives the notice of an accident.*
- *notices sent to the injured worker's employer after an industrial insurance claim is accepted.*
- *beginning January 1, 2002, the form used to apply for industrial insurance benefits.*

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

Appropriation: *None.*

Fiscal Note: *Requested on February 14, 2001.*

Effective Date: *Ninety days after adjournment of session in which bill is passed, except sections 1 and 3, relating to forms used for notice to workers, which take effect January 1, 2002.*

