

HOUSE BILL REPORT

HB 1950

As Reported by House Committee On:
Commerce & Labor

Title: An act relating to worker rights under industrial insurance.

Brief Description: Describing worker rights under industrial insurance.

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

Brief History:

Committee Activity:

Commerce & Labor: 2/21/01, 2/27/01 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Labor and Industries to modify certain forms to give injured workers notice of the right to receive health services from specified providers of the worker's choice.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt, Kenney and McMorris.

Minority Report: Do not pass. Signed by 1 member: Representative Lisk.

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.

Summary of Substitute Bill:

By January 1, 2002, the Department of Labor and Industries must modify certain notices to specify the worker's right to receive health services from the physician of his or her choice, including chiropractic services, and must include in the notice a list of the types of providers authorized to provide these services. These requirements apply to the notice the department sends to an injured worker after the department receives the notice of an accident and the form used to apply for industrial insurance benefits.

Substitute Bill Compared to Original Bill:

The substitute bill deletes: (1) the requirement for employers to give notice to workers regarding provider choice; (2) the explicit language prohibiting employers from directing workers to a particular provider; (3) the modification of the right to provider choice that included "health services providers acting in the scope of practice;" and (4) the requirement for the department to notify employers about the worker's right to provider choice.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect January 1, 2002.

Testimony For: (Original bill) Too often an injured worker doesn't know of his or her right to receive health services from a provider of the worker's choice. The bill will have a large impact on the practice of employers directing injured workers to certain providers. This has been a problem for several years and the department has not taken steps to correct it. The bill is not intended to expand what services health providers are allowed to offer and that reference should be removed from the bill. The provision that allows the employer to direct the worker to a provider at the time of the accident should be limited. This authority should only apply when the worker is incapacitated and should only permit directing the worker to an emergency room. The department has plans to revise most existing publications to reflect the intent of this bill.

Testimony Against: (Original bill) The bill does not add anything to the notice already

given to injured workers about their industrial insurance rights. If employers are directing workers to certain providers, the employers should be penalized for a violation of the statute. This bill could create more liability for employers, especially small employers, who fail to document giving the new notice to workers. Employers are more concerned about getting help to the injured worker than determining what legal notices have to be given. If the department revises the currently required notices, that should solve the problem.

Testified: (In support) Steve Wehrly, Washington State Chiropractors Association.

(In support with amendments) Robby Stern, Washington State Labor Council; and Michael Temple, Washington State Trial Lawyers Association.

(Neutral) Gary Franklin and Bob Mootz, Department of Labor and Industries.

(Opposed) Mellani Hughes, Association of Washington Business; Dave Kaplin, Washington Self-Insurers Association; and Gary Smith, Independent Business Association.