

# HOUSE BILL REPORT

## SSB 5205

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### As Passed House:

April 6, 2001

**Title:** An act relating to providing information for independent medical examinations.

**Brief Description:** Requiring self-insurers and the department to provide information for independent medical examinations.

**Sponsors:** By Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Prentice, Winsley, Fairley and T. Sheldon).

### Brief History:

#### Committee Activity:

Commerce & Labor: 3/28/01, 3/30/01 [DP].

#### Floor Activity:

Passed House: 4/6/01, 93-0.

### Brief Summary of Substitute Bill

- Requires the Department of Labor and Industries and self-insured employers to provide all relevant medical records from an injured worker's claim file to a physician examining the worker.

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## HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass. Signed by 8 members: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hunt, Kenney, Lisk and McMorris.

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

### Background:

If the Department of Labor and Industries or a self-insured employer finds a medical examination necessary to resolve a medical issue in an industrial insurance case, the department may order the injured worker to be examined by a physician that the department selects. This physician will make a report to the person ordering the examination. The report will include a review of the history of the injury, the current

symptoms, the worker's current work status, the past medical history and socioeconomic history, a review of systems, and a review of the injured worker's medical records.

Self-insured employers are subject to a penalty of up to \$500 for the benefit of the injured worker if, among other things, the self-insurer fails to provide a free copy of the worker's claim file within 15 days of the worker's request.

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**Summary of Bill:**

The Department of Labor and Industries and self-insured employers must provide all relevant medical records from an injured worker's claim file to a physician examining the worker. This requirement applies to self-insurers only to the extent it applies to the department.

The self-insurer's failure to provide all relevant medical records to the examining physician is subject to the same penalty as the self-insurer's failure to provide copies of claim files on the worker's request.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Under current law, an injured worker can receive a copy of his or her full claim file, but nothing requires the employer or the Department of Labor and Industries to make sure that the doctor performing a medical examination has all the records. Sometimes the injured worker has more records than the examining doctor, but the doctor is not permitted to use them in his or her report. If a case gets closed based on inadequate medical information, the injured worker may spend years fighting the closure. Medical treatment may also be delayed unnecessarily. This bill should help protect workers in the future from these problems.

**Testimony Against:** None.

**Testified:** David Westberg, International Union of Operating Engineers; Victoria Mendoza; and Gene Breedlove.