

SENATE BILL REPORT

SSB 5205

As Passed Senate, March 14, 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: Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Prentice, Winsley, Fairley and T. Sheldon).

Brief History:

Committee Activity: Labor, Commerce & Financial Institutions: 1/22/01, 2/8/01 [DPS, DNP].

Passed Senate: 3/14/01, 49-0.

SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

Majority Report: That Substitute Senate Bill No. 5205 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Patterson, Rasmussen, Regala, West and Winsley.

Minority Report: Do not pass.

Signed by Senator Hochstatter.

Staff: Elizabeth Mitchell (786-7430)

Background: The Department of Labor and Industries or a self-insurer can require an injured worker who is seeking workers' compensation benefits to have a medical examination. These examinations are sometimes referred to as Independent Medical Examinations (IMEs). The department or a self-insurer typically requires an IME if additional medical evidence is needed to make a claim determination. The department or self-insurer contracts with health providers who perform these IMEs, and assigns a health provider to examine an injured worker.

Self-insurers are currently required to provide a worker with a copy of his or her entire claim file upon request. If a self-insurer fails to comply with this requirement, the self-insurer can be fined up to \$500.

There is concern that some self-insurers do not provide a worker's entire claim file to health providers performing IMEs.

Summary of Bill: Self-insurers and the department must provide all relevant medical records in a worker's claim file to health providers performing independent medical examinations. If a self-insurer fails to comply with this requirement, the self-insurer can be fined up to

\$500. Self-insurers are only required to submit this information if the department is also required to submit it.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Some workers have gone to independent medical exams, and their self insured employers have not forwarded all relevant medical information to the physician performing the exam.

Testimony Against: Physicians will not review the entire claim file if it is submitted to them. Only relevant medical records should be submitted. The bill should apply equally to both the department and self insurers.

Testified: David Westberg and Victoria Mendoza, International Union of Operating Engineers (pro); Betsy Reeve, Washington Self Insurers Association (con); Linda Maw, Washington Hospital Services (con).