
SUBSTITUTE SENATE BILL 5195

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Labor, Commerce & Financial Institutions
(originally sponsored by Senators Prentice, Winsley, Kline, Gardner
and Franklin)

READ FIRST TIME 02/28/01.

1 AN ACT Relating to medical examinations under the industrial
2 insurance system; amending 51.32.112; adding a new section to
3 chapter 51.36 RCW; creating a new section; recodifying RCW
4 51.32.112; and repealing RCW 51.32.114.

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

6 **Sec. 1.** RCW 51.32.112 and 1993 c 515 s 4 are each amended to read
7 as follows:

8 (1) The department shall ~~((develop standards for))~~ adopt rules
9 governing the conduct of ((special)) medical examinations ((to
10 determine permanent disabilities)) pursuant to RCW 51.36.070,
11 including, but not limited to:

12 (a) The qualifications of persons conducting the examinations.
13 To conduct an examination, a medical provider must, at a minimum,
14 be licensed to practice at the time of the examination:

15 ((i) Medicine or surgery under chapter 18.71 RCW, osteopathic
16 medicine and surgery under chapter 18.57 RCW, podiatric medicine
17 and surgery under chapter 18.22 RCW, dentistry under chapter 18.30
18 RCW, or chiropractic under chapter 18.25 RCW; and

1 (ii) To the extent possible, the qualifications of the examiner
2 should match the clinical condition for which the worker is being
3 examined;

4 (b) The criteria for removing examiners from the list of
5 approved examiners, including but not limited to the department
6 determining that the provider:

7 (i) Committed any violation of this title, or department rules
8 or policies under this title;

9 (ii) Committed professional or other misconduct, or
10 demonstrated incompetency in connection with providing medical
11 examinations under this title;

12 (iii) Exceeded the limits of his or her professional competence
13 in conducting medical examinations or made materially false
14 statements regarding his or her qualifications in his or her
15 application as an examiner;

16 (iv) Failed to transmit copies of medical reports, or failed to
17 submit full and truthful medical reports of his or her findings,
18 as required by this title;

19 (v) Knowingly made a false statement or representation as to a
20 material fact in any medical report made under this title or in
21 testifying or otherwise providing information for the purposes of
22 this title; or

23 (vi) Refused to appear before, testify, submit to deposition,
24 or answer a material question of the department, or board of
25 industrial insurance appeals, or produce a material document
26 concerning his or her provision of services under this title;

27 ~~((b))~~ (c) The criteria for conducting the examinations,
28 including guidelines for the appropriate treatment of injured
29 workers during the examination; and

30 ~~((e))~~ (d) The content of examination reports.

31 (2) Within the appropriate scope of practice, chiropractors
32 licensed under chapter 18.25 RCW may conduct special medical
33 examinations to determine permanent disabilities under RCW
34 51.32.055 in consultation with physicians licensed under chapter
35 18.57 or 18.71 RCW. The department, in its discretion, may request
36 that a special medical examination be conducted by a single
37 chiropractor if the department determines that the sole issues
38 involved in the examination are within the scope of practice under

1 chapter 18.25 RCW. However, nothing in this section authorizes the
2 use as evidence before the board of a chiropractor's determination
3 of the extent of a worker's permanent disability if the
4 determination is not requested by the department.

5 (3) The department must examine the credentials of providers
6 conducting medical examinations pursuant to RCW 51.36.070 and must
7 monitor the quality and objectivity of the examinations and
8 examination reports obtained by the department and self-insured
9 employers. The department's rules must ensure that examinations
10 pursuant to RCW 51.36.070 are performed only by qualified
11 providers meeting department standards.

12 (4) The department shall keep and maintain a record of all
13 complaints regarding the conduct of an examiner in the performance
14 and reporting of medical examinations, and all department
15 responses to these complaints, for ten years. The department shall
16 make complaints regarding the conduct of an examiner in the
17 performance and reporting of a worker's medical examination, and
18 all department responses to these complaints, available to the
19 worker or worker's representative upon request. The department
20 shall make complaints regarding the conduct of an examiner in the
21 performance and reporting of another worker's medical examination,
22 and all department responses to these complaints, available to a
23 worker or worker's representative upon request, provided that
24 other workers' names and claim numbers are deleted and that no
25 medical records are released. This section shall not be interpreted
26 to allow a worker or worker's representative to view the claim
27 file or medical records of another worker, or to allow the
28 department to withhold information pursuant to an appropriate
29 legal order or action.

30 (5) The department shall investigate the amount of examination
31 fees received by persons conducting (~~special~~) medical
32 examinations (~~to determine permanent disabilities~~) pursuant to
33 RCW 51.36.070, including total compensation received for
34 examinations of department and self-insured claimants, and
35 establish compensation guidelines and compensation reporting
36 criteria.

37 ~~((+4))~~ (6) The department shall investigate the level of
38 compliance of self-insurers with the requirement of full reporting

1 of claims information to the department, particularly with respect
2 to medical examinations, and develop effective enforcement
3 procedures or recommendations for legislation if needed.

4 NEW SECTION. **Sec. 2.** RCW 51.32.112 is recodified as a new
5 section in chapter 51.36 RCW.

6 NEW SECTION. **Sec. 3.** RCW 51.32.114 (Medical examination--
7 Department to monitor quality and objectivity) and 1988 c 114 s 3
8 are each repealed.

9 NEW SECTION. **Sec. 4.** This act applies to all medical
10 examinations pursuant to RCW 51.36.070 on or after the effective
11 date of this act.

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