

FINAL BILL REPORT

EHB 2185

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Synopsis as Enacted

Brief Description: Establishing residence modifications standards.

Sponsors: By Representatives Newhouse, Conway and Condotta.

House Committee on Commerce & Labor

Senate Committee on Labor, Commerce, Research & Development

Background:

Industrial insurance is a no-fault state workers' compensation program that provides medical and partial wage replacement benefits to covered workers who are injured on the job or who develop an occupational disease. If a worker sustains a catastrophic injury, the Department of Labor and Industries (Department) is authorized to pay, or to order a self-insured employer to pay, as applicable, up to a statutory maximum for residence modification when modifications are reasonable and necessary to meet the needs of the worker. The maximum amount of the payment is the amount of the state's average annual wage, which is \$38,794 beginning July 1, 2004.

Under Department policy, residence modifications are reasonable and necessary if all of the following are met:

- The modification is necessary to meet the worker's needs for safety, mobility, and activities of daily living.
- The contractor's proposed plan will satisfy the necessary modification.
- The home is structurally sound.

Necessary modifications may include, but are not limited to structures, such as walkways and driveways; equipment, such as door knobs, toilet seats, or grab bars; and air conditioners or purifiers, where medically necessary. Appliances are not considered residence modifications.

Summary:

The Director of the Department of Labor and Industries (Director) must adopt rules, to take effect no later than nine months after the act's effective date, establishing guidelines and processes for residence modification for catastrophically injured workers. The rules must address at least the process for an injured worker to access the residence modification benefits, and how the Department may address the needs and preferences of the individual worker on a case-by-case basis taking into account information provided by the injured worker. In determining the injured worker's needs, including whether a modification is medically necessary, the Department must consider all available information regarding the medical condition and physical restrictions of the worker, including the opinion of the worker's attending health services provider.

In adopting the rules, the Director must consult with persons interested in improving standards for adaptive housing, including persons with expertise in the rehabilitation of catastrophically disabled individuals and modifications for adaptive housing. The rules must be based on nationally accepted guidelines and publications, with consideration given to the guidelines established by the federal Department of Veterans Affairs and the recommendations published by Barrier Free Environments, Inc.

By December 2007, the Director must report to the appropriate committees of the Legislature on the rules adopted under these provisions.

Votes on Final Passage:

House	96	0	
Senate	44	0	(Senate amended)
House	98	0	(House concurred)

Effective: July 24, 2005