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HOUSE BILL 1911

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Condotta, Grant, Kessler, Linville and McCoy

Read first time 02/10/2005. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to worker accidents reports; amending RCW  
2 51.28.010, 51.28.010, 51.28.020, 51.28.020, 51.28.025, and 51.28.025;  
3 providing an effective date; and providing an expiration date.

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

5            **Sec. 1.** RCW 51.28.010 and 2004 c 65 s 3 are each amended to read  
6 as follows:

7            (1) Whenever any accident occurs to any worker it shall be the duty  
8 of such worker or someone in his or her behalf to forthwith report such  
9 accident to his or her employer, superintendent, or supervisor in  
10 charge of the work, and of the employer to at once report such accident  
11 and the injury resulting therefrom to the department pursuant to RCW  
12 51.28.025 where the worker has received treatment from a physician or  
13 a licensed advanced registered nurse practitioner, has been  
14 hospitalized, disabled from work, or has died as the apparent result of  
15 such accident and injury.

16            (2) Upon receipt of such notice of accident, the department shall  
17 immediately forward to the worker or his or her beneficiaries or  
18 dependents notification, in nontechnical language, of their rights  
19 under this title. The notice must specify the worker's right to

1 receive health services from a physician or a licensed advanced  
2 registered nurse practitioner of the worker's choice under RCW  
3 51.36.010, including chiropractic services under RCW 51.36.015, and  
4 must list the types of providers authorized to provide these services.

5 (3) The director may impose a fine of up to fifty dollars on a  
6 worker who fails to report an accident under subsection (1) of this  
7 section. Fines collected under this subsection must be deposited into  
8 the supplemental pension fund.

9 **Sec. 2.** RCW 51.28.010 and 2001 c 231 s 1 are each amended to read  
10 as follows:

11 (1) Whenever any accident occurs to any worker it shall be the duty  
12 of such worker or someone in his or her behalf to forthwith report such  
13 accident to his or her employer, superintendent, or supervisor in  
14 charge of the work, and of the employer to at once report such accident  
15 and the injury resulting therefrom to the department pursuant to RCW  
16 51.28.025 where the worker has received treatment from a physician, has  
17 been hospitalized, disabled from work, or has died as the apparent  
18 result of such accident and injury.

19 (2) Upon receipt of such notice of accident, the department shall  
20 immediately forward to the worker or his or her beneficiaries or  
21 dependents notification, in nontechnical language, of their rights  
22 under this title. The notice must specify the worker's right to  
23 receive health services from a physician of the worker's choice under  
24 RCW 51.36.010, including chiropractic services under RCW 51.36.015, and  
25 must list the types of providers authorized to provide these services.

26 (3) The director may impose a fine of up to fifty dollars on a  
27 worker who fails to report an accident under subsection (1) of this  
28 section. Fines collected under this subsection must be deposited into  
29 the supplemental pension fund.

30 **Sec. 3.** RCW 51.28.020 and 2004 c 65 s 4 are each amended to read  
31 as follows:

32 (1)(a) Where a worker is entitled to compensation under this title  
33 he or she shall file with the department or his or her self-insured  
34 employer, as the case may be, his or her application for such, together  
35 with the certificate of the physician or licensed advanced registered  
36 nurse practitioner who attended him or her. An application form

1 developed by the department shall include a notice specifying the  
2 worker's right to receive health services from a physician or licensed  
3 advanced registered nurse practitioner of the worker's choice under RCW  
4 51.36.010, including chiropractic services under RCW 51.36.015, and  
5 listing the types of providers authorized to provide these services.

6 (b) The physician or licensed advanced registered nurse  
7 practitioner who attended the injured worker shall inform the injured  
8 worker of his or her rights under this title and lend all necessary  
9 assistance in making this application for compensation and such proof  
10 of other matters as required by the rules of the department without  
11 charge to the worker. The department shall provide physicians with a  
12 manual which outlines the procedures to be followed in applications for  
13 compensation involving occupational diseases, and which describes  
14 claimants' rights and responsibilities related to occupational disease  
15 claims.

16 (c) The worker must inform the physician or licensed advanced  
17 registered nurse practitioner of his or her employer.

18 (d) As part of the process of informing the injured worker of his  
19 or her rights, the physician must inform the injured worker that he or  
20 she must report the accident to the employer. The physician will make  
21 a reasonable attempt to contact the employer and notify the worker that  
22 the claim may be delayed if the employer is not notified.

23 (2) If application for compensation is made to a self-insured  
24 employer, he or she shall forthwith send a copy of the application to  
25 the department.

26 **Sec. 4.** RCW 51.28.020 and 2001 c 231 s 2 are each amended to read  
27 as follows:

28 (1)(a) Where a worker is entitled to compensation under this title  
29 he or she shall file with the department or his or her self-insured  
30 employer, as the case may be, his or her application for such, together  
31 with the certificate of the physician who attended him or her. An  
32 application form developed by the department shall include a notice  
33 specifying the worker's right to receive health services from a  
34 physician of the worker's choice under RCW 51.36.010, including  
35 chiropractic services under RCW 51.36.015, and listing the types of  
36 providers authorized to provide these services.

1 (b) The physician who attended the injured worker shall inform the  
2 injured worker of his or her rights under this title and lend all  
3 necessary assistance in making this application for compensation and  
4 such proof of other matters as required by the rules of the department  
5 without charge to the worker. The department shall provide physicians  
6 with a manual which outlines the procedures to be followed in  
7 applications for compensation involving occupational diseases, and  
8 which describes claimants' rights and responsibilities related to  
9 occupational disease claims.

10 (c) The worker must inform the physician or licensed advanced  
11 registered nurse practitioner of his or her employer.

12 (d) As part of the process of informing the injured worker of his  
13 or her rights, the physician must inform the injured worker that he or  
14 she must report the accident to the employer. The physician will make  
15 a reasonable attempt to contact the employer and notify the worker that  
16 the claim may be delayed if the employer is not notified.

17 (2) If application for compensation is made to a self-insured  
18 employer, he or she shall forthwith send a copy of the application to  
19 the department.

20 **Sec. 5.** RCW 51.28.025 and 2004 c 65 s 5 are each amended to read  
21 as follows:

22 (1) Whenever an employer has notice or knowledge of an injury or  
23 occupational disease sustained by any worker in his or her employment  
24 who has received treatment from a physician or a licensed advanced  
25 registered nurse practitioner, has been hospitalized, disabled from  
26 work or has died as the apparent result of such injury or occupational  
27 disease, the employer shall immediately report the same to the  
28 department on forms prescribed by it. The report shall include:

29 (a) The name, address, and business of the employer;

30 (b) The name, address, and occupation of the worker;

31 (c) The date, time, cause, and nature of the injury or occupational  
32 disease;

33 (d) Whether the injury or occupational disease arose in the course  
34 of the injured worker's employment;

35 (e) All available information pertaining to the nature of the  
36 injury or occupational disease including but not limited to any visible

1 signs, any complaints of the worker, any time lost from work, and the  
2 observable effect on the worker's bodily functions, so far as is known;  
3 and

4 (f) Such other pertinent information as the department may  
5 prescribe by regulation.

6 (2) Failure or refusal to file the report required by subsection  
7 (1) shall subject the offending employer to a penalty determined by the  
8 director but not to exceed two hundred fifty dollars for each offense,  
9 to be collected in a civil action in the name of the department and  
10 paid into the supplemental pension fund.

11 (3) The department will not make a determination on the validity of  
12 a state fund claim until the worker, employer, and treatment provider  
13 have had a reasonable opportunity to submit a completed accident  
14 report.

15 **Sec. 6.** RCW 51.28.025 and 1987 c 185 s 32 are each amended to read  
16 as follows:

17 (1) Whenever an employer has notice or knowledge of an injury or  
18 occupational disease sustained by any worker in his or her employment  
19 who has received treatment from a physician, has been hospitalized,  
20 disabled from work or has died as the apparent result of such injury or  
21 occupational disease, the employer shall immediately report the same to  
22 the department on forms prescribed by it. The report shall include:

23 (a) The name, address, and business of the employer;

24 (b) The name, address, and occupation of the worker;

25 (c) The date, time, cause, and nature of the injury or occupational  
26 disease;

27 (d) Whether the injury or occupational disease arose in the course  
28 of the injured worker's employment;

29 (e) All available information pertaining to the nature of the  
30 injury or occupational disease including but not limited to any visible  
31 signs, any complaints of the worker, any time lost from work, and the  
32 observable effect on the worker's bodily functions, so far as is known;  
33 and

34 (f) Such other pertinent information as the department may  
35 prescribe by regulation.

36 (2) Failure or refusal to file the report required by subsection  
37 (1) shall subject the offending employer to a penalty determined by the

1 director but not to exceed two hundred fifty dollars for each offense,  
2 to be collected in a civil action in the name of the department and  
3 paid into the supplemental pension fund.

4 (3) The department will not make a determination on the validity of  
5 a state fund claim until the worker, employer, and treatment provider  
6 have had a reasonable opportunity to submit a completed accident  
7 report.

8 NEW SECTION. Sec. 7. Sections 1, 3, and 5 of this act expire June  
9 30, 2007.

10 NEW SECTION. Sec. 8. Sections 2, 4, and 6 of this act take effect  
11 June 30, 2007.

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