
SECOND SUBSTITUTE SENATE BILL 5665

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Parlette, Schoesler, Hewitt, Honeyford and Mulliken)

READ FIRST TIME 03/30/05.

1 AN ACT Relating to implementing recommendation no. 2 of the joint
2 legislative audit and review committee's report no. 98-9 with regard to
3 reporting of industrial insurance injuries; amending RCW 51.28.020,
4 51.28.020, and 51.28.080; adding a new section to chapter 51.28 RCW;
5 providing an effective date; and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.28 RCW
8 to read as follows:

9 (1) The legislature finds that:

10 (a) In 1998, the joint legislative audit and review committee, in
11 its performance audit of the Washington industrial insurance system,
12 reported that one of the most significant causes for delayed benefit
13 payments to workers and lack of employer involvement in claims was the
14 manner in which claims were reported. Under this system of reporting,
15 the worker generally reports the injury to a physician who, in turn,
16 reports the injury to the department.

17 (b) The performance audit further reported that adopting a system
18 in which the employee reports to the employer and the employer reports
19 to the department would speed the first payment of benefits to the

1 worker and involve the employer, from the beginning of the claim, in
2 assisting in the management of the claim, including returning the
3 worker to work.

4 (c) The performance audit also recognized that there would be
5 instances in which workers would be reluctant to report injuries to
6 employers and that, therefore, the system of physician reporting should
7 be retained as an alternative, and employer reporting should be tested
8 on a widespread basis.

9 (2)(a) The department of labor and industries shall develop and
10 implement an initiative to encourage the reporting of industrial
11 injuries by the worker to his or her employer and by the employer to
12 the department. Under this initiative, the department must take steps
13 to educate workers and employers about the benefits and importance of
14 prompt reporting of injuries.

15 (b) By December 1, 2006, the department of labor and industries
16 shall develop and make statutory recommendations for an alternative
17 system of reporting injuries under which the worker would report to the
18 employer and the employer would report to the department. Upon passage
19 of such legislation, the department shall immediately begin an
20 educational effort to promote this method of reporting.

21 (3)(a) The department must conduct a study of:

22 (i) Claims that are not reported promptly, including but not
23 limited to a review of the circumstances of such claims, the type of
24 injuries involved in such claims, and the reasons for the failure to
25 report such claims promptly;

26 (ii) The effect of the educational initiative required under
27 subsection (2)(a) of this section on whether the number of claims
28 reported to employers increased, whether there was a reduction in
29 delays in benefit payments, and whether there was an improvement in
30 employer involvement in assisting with claims management and an
31 increase in appropriate return-to-work and better outcomes for injured
32 workers and employers; and

33 (iii) The results of the efforts of the centers of occupational
34 health education in early reporting and early notification of
35 employers, and the general lessons that can be drawn from these results
36 for the larger workers' compensation program.

37 (b) By December 1, 2006, the department must report on the results
38 of the study to the appropriate committees of the legislature.

1 **Sec. 2.** RCW 51.28.020 and 2004 c 65 s 4 are each amended to read
2 as follows:

3 (1)(a) Where a worker is entitled to compensation under this title
4 he or she shall file with the department or his or her self-insured
5 employer, as the case may be, his or her application for such, together
6 with the certificate of the physician or licensed advanced registered
7 nurse practitioner who attended him or her. An application form
8 developed by the department shall include a notice specifying the
9 worker's right to receive health services from a physician or licensed
10 advanced registered nurse practitioner of the worker's choice under RCW
11 51.36.010, including chiropractic services under RCW 51.36.015, and
12 listing the types of providers authorized to provide these services.

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

23 (2) If the application ((for compensation)) required by this
24 section is:

25 (a) Filed on behalf of the worker by the physician or licensed
26 advanced registered nurse practitioner who attended the worker, the
27 physician or licensed advanced registered nurse practitioner may
28 transmit the application to the department electronically using
29 facsimile mail;

30 (b) Made to the department and the employer has not received a copy
31 of the application, the department shall immediately send a copy of the
32 application to the employer; or

33 (c) Made to a self-insured employer, ((he or she)) the employer
34 shall forthwith send a copy of the application to the department.

35 **Sec. 3.** RCW 51.28.020 and 2001 c 231 s 2 are each amended to read
36 as follows:

37 (1)(a) Where a worker is entitled to compensation under this title

1 he or she shall file with the department or his or her self-insured
2 employer, as the case may be, his or her application for such, together
3 with the certificate of the physician who attended him or her. An
4 application form developed by the department shall include a notice
5 specifying the worker's right to receive health services from a
6 physician of the worker's choice under RCW 51.36.010, including
7 chiropractic services under RCW 51.36.015, and listing the types of
8 providers authorized to provide these services.

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

18 (2) If the application ((for compensation)) required by this
19 section is:

20 (a) Filed on behalf of the worker by the physician who attended the
21 worker, the physician may transmit the application to the department
22 electronically using facsimile mail;

23 (b) Made to the department and the employer has not received a copy
24 of the application, the department shall immediately send a copy of the
25 application to the employer; or

26 (c) Made to a self-insured employer, ((he or she)) the employer
27 shall forthwith send a copy of the application to the department.

28 **Sec. 4.** RCW 51.28.080 and 1985 c 338 s 2 are each amended to read
29 as follows:

30 (1) An employer shall be promptly notified by the department when:

31 (a) The department has received an application for compensation
32 under this title. If the employer is a state fund employer, the
33 department shall instruct the employer to submit a report of accident
34 form and provide a telephone number for assistance in the reporting
35 process; and

36 (b) It has determined that a worker of that employer is entitled to
37 compensation under RCW 51.32.090.

1 (2) Notification shall include, in nontechnical language, an
2 explanation of the employer's rights under this title.

3 NEW SECTION. **Sec. 5.** Section 2 of this act expires June 30, 2007.

4 NEW SECTION. **Sec. 6.** Section 3 of this act takes effect June 30,
5 2007.

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