

**2SHB 1503** - H AMD TO H AMD (H2947.6) **406**  
By Representative Chandler

1 On page 9, after line 11 of the amendment insert the following:

2 "NEW SECTION. **Sec. 9.** A new section is added to chapter 51.36  
3 RCW to read as follows:

4 (1)(a) An injured worker has the right to enter into a final  
5 settlement agreement, as provided in this section, to resolve  
6 medical issues with respect to one or more claims under this title.  
7 All final settlement agreements must be approved by the board of  
8 industrial insurance appeals. The final settlement agreement may:

9 (i) Bind the parties with regard to medical aid benefits under  
10 this title; and

11 (ii) Not subject any employer who is not a signatory to the  
12 agreement to any responsibility or burden under any claim.

13 (b) For purposes of this section, "parties" means:

14 (i) For a self-insured claim, the worker and the employer; and

15 (ii) For a state fund claim, the worker, the employer, and the  
16 department of labor and industries. If the employer participates  
17 in a retrospective rating plan under chapter 51.18 RCW, the  
18 retrospective rating group, through its administrator, shall also  
19 be a party.

20 (c) A final settlement agreement entered into under this  
21 section must be signed by the parties or their representatives and  
22 must clearly state that the parties agree to the terms of the final  
23 settlement agreement. Unless one of the parties revokes consent to  
24 the agreement, as provided in subsection (3) of this section, the  
25 final settlement agreement becomes final and binding thirty days  
26 after approval of the agreement by the board of industrial  
27 insurance appeals.

28 (d) A final settlement agreement that has become final and  
29 binding as provided in this section is binding on the department  
30 and on all parties to the agreement as to its terms and the

1 injuries and occupational diseases to which the final settlement  
2 applies. A final settlement agreement that has become final and  
3 binding is not subject to appeal.

4 (2)(a) If a worker is not represented by an attorney at the  
5 time of signing a final settlement agreement, the parties must  
6 forward a copy of the signed settlement agreement to the board with  
7 a request for a conference with a settlement officer. Unless one  
8 of the parties requests a later date, the settlement officer must  
9 convene a conference within fourteen days after receipt of the  
10 request for the limited purpose of receiving the final settlement  
11 agreement of the parties, explaining to the worker the benefits  
12 generally available under this title, and explaining that a final  
13 settlement agreement may alter entitlement to medical aid benefits  
14 under chapter 51.36 RCW. In no event may a settlement officer  
15 render legal advice to any party.

16 (b) Before approving the settlement agreement, the settlement  
17 officer shall ensure that the worker has an adequate understanding  
18 of the settlement proposal and its consequences to the worker.

19 (c) The settlement officer may reject a settlement agreement  
20 only if the officer finds the parties have not entered into the  
21 agreement knowingly and willingly. Within seven days after the  
22 conference, the settlement officer shall issue an order allowing or  
23 rejecting the final settlement agreement. There shall be no appeal  
24 from the settlement officer's decision.

25 (d) If the settlement officer issues an order allowing the  
26 final settlement agreement, the order shall be submitted to the  
27 board.

28 (3) If a worker is represented by an attorney at the time of  
29 signing a final settlement agreement, the parties may submit the  
30 agreement directly to the board without the conference described in  
31 this section.

32 (4) Upon receiving the final settlement agreement, the board  
33 shall approve the agreement within thirty working days of receipt  
34 unless it finds that the parties have not entered into the  
35 agreement knowingly and willingly. If the board approves the  
36 agreement, it shall provide notice to the department of the binding  
37 terms of the agreement and provide for placement of the agreement  
38 in the applicable claim files.

1 (5) A party may revoke consent to the final settlement  
2 agreement by providing written notice to the other parties and the  
3 board within thirty days after the date the agreement is approved  
4 by the board.

5 (6) To the extent the worker is entitled to medical aid  
6 benefits under chapter 51.36 RCW while a final settlement agreement  
7 is being negotiated, or during the revocation period of an  
8 agreement, such benefits shall be provided until the agreement  
9 becomes final.

10 NEW SECTION. **Sec. 10.** A new section is added to chapter 51.36  
11 RCW to read as follows:

12 The department shall develop and maintain a registry system by  
13 which it records final settlement agreements entered into between  
14 the parties. This information shall be made available to employers  
15 at appropriate times as determined by the department in rule, but  
16 an employer may not consider a prior settlement agreement when  
17 making hiring decisions or as a condition of employment."

18 Renumber the remaining sections consecutively and correct  
19 internal references accordingly.

20 Correct the title.

**EFFECT:** Provides that an injured worker who has reached maximum medical improvement has the right to enter into a final settlement agreement to resolve medical issues. Provides that final settlement agreements may bind the parties with respect to medical aid benefits, and may not subject any employer who is not a signatory to any responsibility or burden. Includes provisions providing for settlement conference at the Board of Industrial Insurance Appeals (Board) when a worker is not represented by an attorney and require Board approval of the agreement. Requires the Department to develop and maintain a registry system for final settlement agreements. Prohibits an employer from considering a prior settlement agreement when making hiring decisions.