

2SHB 3139 - H AMD 1269

By Representative Condotta

FAILED 2/19/2008

1 On page 2, beginning on line 16, after "(b)" strike all
2 material through "board." on line 20 and insert "An employer appeal
3 of a department order shall operate as a stay of the order except:
4 An employer appeal of an order awarding temporary total disability
5 benefits shall not operate as a stay of temporary total disability
6 benefits, and such temporary total disability benefits shall be
7 paid no later than fifteen days after the board grants the appeal,
8 unless an employer moves for a stay of the department's order
9 within fifteen days after the board grants the appeal."

10 On page 2, beginning on line 33, strike all of subsections (i)
11 and (ii) and insert the following:

12 "If a self-insured employer appeals an order setting the
13 claimant's temporary total disability rate, the claimant shall
14 receive any temporary total disability benefits based upon the rate
15 calculation that the employer most recently submitted to the
16 department and payment of benefits at this rate shall not be stayed
17 pending a final decision on the merits. However, payment of
18 temporary total disability benefits at the increased rate in the
19 order on appeal is stayed without further action by the board
20 pending a final decision on the merits."

21 On page 5, beginning on line 17, strike all of subsection (c)

22
23 Renummer the remaining subsection consecutively and correct any
24 internal references accordingly.

EFFECT: Provides that an appeal operates as a stay of an order except for temporary total disability benefits, which must be paid within 15 days after the Board of Industrial Insurance Appeals grants the appeal, unless the employer moves for a stay. Provides that payment of benefits at the rate that is not in dispute applies only to temporary total disability benefits.