

E2SHB 3139 - S AMD 295

By Senators Kohl-Welles, Holmquist, and Murray

ADOPTED 3/07/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 51.52 RCW
4 to read as follows:

5 (1) The department shall study appeals of workers' compensation
6 cases and collect information concerning the impacts on employees and
7 employers of a requirement that employers pay workers' compensation
8 benefits pending an employer appeal. The study shall consider the
9 types of benefits that may be paid pending an appeal, and shall
10 include, but not be limited to:

11 (a) The issues, frequency, and outcomes of appeals;

12 (b) The duration of appeals;

13 (c) The number of cases that may be affected by the payment of
14 benefits pending an appeal and the potential for overpayments; and

15 (d) The processes used and efforts made to recoup overpayments and
16 the results of those efforts.

17 (2) State fund and self-insured employers shall provide the
18 information requested by the department to conduct the study.

19 (3) The department shall report to the workers' compensation
20 advisory committee and the appropriate committees of the legislature by
21 December 1, 2008, on the results of the study. By December 31, 2008,
22 the workers' compensation advisory committee shall provide its
23 recommendations for addressing payment of benefits pending employer
24 appeals, any procedural or process changes that may be considered by the
25 board to expedite the appeals process, the need for a permanent funding
26 source to reimburse employer and state fund overpayment costs, and the
27 method to fund such a source if needed."

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4 On page 1, line 1 of the title, after "appeal;" strike the remainder

5 of the title and insert "and creating a new section."

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EFFECT: