FINAL BILL REPORT
SSB 5443

C 77 L 07
Synopsis as Enacted

Brief Description: Suppressing workers' compensation claims.

Sponsors: Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles and Keiser; by request of Department of Labor & Industries).

Senate Committee on Labor, Commerce, Research & Development
House Committee on Commerce & Labor

Background: Under the workers' compensation system, when a worker is injured, the worker, or someone on his or her behalf, must report the accident and any ensuing injury, to his or her employer. If the worker is entitled to receive workers' compensation benefits, the worker must file a claim with the Department of Labor & Industries (L&I) within one year of the date of injury.

When an employer has notice or knowledge of an injury or occupational disease sustained by a worker during the course of employment, the employer must report the injury or occupational disease to L&I. An employer who fails or refuses to file a report is subject to a penalty of up to $250 for each offense.

Summary: Employers are prohibited from engaging in claim suppression. "Claim suppression" is defined as intentionally inducing employees to fail to report injuries; inducing employees to treat injuries in the course of employment as off-the-job injuries; or otherwise acting to suppress legitimate workers' compensation insurance claims.

Claim suppression does not include bona fide workplace safety and accident prevention programs, and L&I is given authority to adopt rules defining a bona fide workplace safety and accident program and first aid.

Employers who engage in claim suppression are subject to a penalty of at least $250, but no more than $2,500, for each offense. These employers are also prohibited from engaging in the retrospective rating program or if self-insured, will have their self-insurance certification withdrawn.

Votes on Final Passage:

Senate	34	12
House	63	33

Effective: July 22, 2007