
ENGROSSED HOUSE BILL 2105

State of Washington 60th Legislature 2007 Regular Session

By Representatives Conway, Condotta, Kenney, Simpson and Ormsby

Read first time 02/08/2007. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to payment of prescription drugs for industrial
2 insurance medical aid claims; amending RCW 51.36.010; creating a new
3 section; and providing an effective date.

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

5 **Sec. 1.** RCW 51.36.010 and 1986 c 58 s 6 are each amended to read
6 as follows:

7 Upon the occurrence of any injury to a worker entitled to
8 compensation under the provisions of this title, he or she shall
9 receive proper and necessary medical and surgical services at the hands
10 of a physician of his or her own choice, if conveniently located, and
11 proper and necessary hospital care and services during the period of
12 his or her disability from such injury(~~(, but the same)~~). The
13 department for state fund claims shall pay, in accordance with the
14 department's fee schedule, for any alleged injury for which a worker
15 files a claim, any initial prescription drugs provided in relation to
16 that initial visit, without regard to whether the worker's claim for
17 benefits is allowed. In all accepted claims, treatment shall be
18 limited in point of duration as follows:

1 In the case of permanent partial disability, not to extend beyond
2 the date when compensation shall be awarded him or her, except when the
3 worker returned to work before permanent partial disability award is
4 made, in such case not to extend beyond the time when monthly
5 allowances to him or her shall cease; in case of temporary disability
6 not to extend beyond the time when monthly allowances to him or her
7 shall cease: PROVIDED, That after any injured worker has returned to
8 his or her work his or her medical and surgical treatment may be
9 continued if, and so long as, such continuation is deemed necessary by
10 the supervisor of industrial insurance to be necessary to his or her
11 more complete recovery; in case of a permanent total disability not to
12 extend beyond the date on which a lump sum settlement is made with him
13 or her or he or she is placed upon the permanent pension roll:
14 PROVIDED, HOWEVER, That the supervisor of industrial insurance, solely
15 in his or her discretion, may authorize continued medical and surgical
16 treatment for conditions previously accepted by the department when
17 such medical and surgical treatment is deemed necessary by the
18 supervisor of industrial insurance to protect such worker's life or
19 provide for the administration of medical and therapeutic measures
20 including payment of prescription medications, but not including those
21 controlled substances currently scheduled by the state board of
22 pharmacy as Schedule I, II, III, or IV substances under chapter 69.50
23 RCW, which are necessary to alleviate continuing pain which results
24 from the industrial injury. In order to authorize such continued
25 treatment the written order of the supervisor of industrial insurance
26 issued in advance of the continuation shall be necessary.

27 The supervisor of industrial insurance, the supervisor's designee,
28 or a self-insurer, in his or her sole discretion, may authorize
29 inoculation or other immunological treatment in cases in which a work-
30 related activity has resulted in probable exposure of the worker to a
31 potential infectious occupational disease. Authorization of such
32 treatment does not bind the department or self-insurer in any
33 adjudication of a claim by the same worker or the worker's beneficiary
34 for an occupational disease.

35 NEW SECTION. **Sec. 2.** By December 1, 2009, the department of labor
36 and industries must report to the senate labor, commerce, research and

1 development committee and the house of representatives commerce and
2 labor committee, or successor committees, on the implementation of this
3 act.

4 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2008.

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