

HB 3139-S2.E - DIGEST

(DIGEST AS ENACTED)

Provides an order by the department of labor and industries awarding benefits shall become effective and benefits due on the date issued. Subject to this act, if the department order is appealed the order shall not be stayed pending a final decision on the merits unless ordered by the board.

Provides if upon reconsideration requested by a worker or medical provider, the department has ordered an increase in a permanent partial disability award from the amount reflected in an earlier order, the award reflected in the earlier order shall not be stayed pending a final decision on the merits.

Provides if any party appeals an order establishing a worker's wages or the compensation rate at which a worker will be paid temporary or permanent total disability or loss of earning power benefits, the worker shall receive payment pending a final decision on the merits based on the following:

- (1) When the employer is self-insured, the wage calculation or compensation rate the employer most recently submitted to the department; or

- (2) When the employer is insured through the state fund, the highest wage amount or compensation rate uncontested by the parties.

Requires, effective July 1, 2009, the department of labor and industries to establish procedures by rule to collect information concerning self-insured claim overpayments resulting from decisions of the board or court, and to recoup such overpayments from state fund claims.

Requires each self-insured employer to retain from the earnings of each of its workers that amount as shall be fixed from time to time by the director, the basis for measuring said amount to be determined by the director.

Requires that none of the amount assessed for the employer overpayment reimbursement fund may be retained from the earnings of workers covered under RCW 51.16.210.

States that the department shall study appeals of workers' compensation cases and collect information on the impacts of this act on state fund and self-insured workers and employers.