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**SENATE BILL 5576**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Baumgartner and Braun

AN ACT Relating to worker reporting of workplace injuries for purposes of industrial insurance; amending RCW 51.28.010; and creating a new section.

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

**Sec.**  RCW 51.28.010 and 2007 c 77 s 1 are each amended to read as follows:

(1)(a) Whenever any accident occurs to any worker it shall be the duty of such worker or someone in his or her behalf to ((~~forthwith~~))immediately report such accident to his or her employer, superintendent, or supervisor in charge of the work, and of the employer to at once report such accident and the injury resulting therefrom to the department pursuant to RCW 51.28.025 where the worker has received treatment from a physician or a licensed advanced registered nurse practitioner, has been hospitalized, has been disabled from work, or has died as the apparent result of such accident and injury.

(b) For any injury, the report required by (a) of this subsection must be in writing, signed by the worker, and submitted to the employer within sixty days from the date of injury or before the worker files an application under this title, whichever comes first. However, if, due to the injury, the worker is unable to notify the employer in a signed writing, someone on his or her behalf may notify the employer in writing as required by this subsection (1)(b). If the worker or someone on his or her behalf fails to report as required by this subsection (1)(b), the application is not valid and the claim thereunder is unenforceable.

(2) Upon receipt of such notice of accident, the department shall immediately forward to the worker or his or her beneficiaries or dependents notification, in nontechnical language, of their rights under this title. The notice must specify the worker's right to receive health services from a physician or a licensed advanced registered nurse practitioner of the worker's choice under RCW 51.36.010, including chiropractic services under RCW 51.36.015, and must list the types of providers authorized to provide these services.

(3) Employers shall not engage in claim suppression.

(4) For the purposes of this section, "claim suppression" means intentionally:

(a) Inducing employees to fail to report injuries;

(b) Inducing employees to treat injuries in the course of employment as off‑the‑job injuries; or

(c) Acting otherwise to suppress legitimate industrial insurance claims.

(5) In determining whether an employer has engaged in claim suppression, the department shall consider the employer's history of compliance with industrial insurance reporting requirements, and whether the employer has discouraged employees from reporting injuries or filing claims. The department has the burden of proving claim suppression by a preponderance of the evidence.

(6) Claim suppression does not include bona fide workplace safety and accident prevention programs or an employer's provision at the worksite of first aid as defined by the department. The department shall adopt rules defining bona fide workplace safety and accident prevention programs and defining first aid.

NEW SECTION. **Sec.**  Section 1 of this act applies to injuries occurring on or after the effective date of this section.

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