
SUBSTITUTE SENATE BILL 5509

State of Washington

64th Legislature

2015 Regular Session

By Senate Commerce & Labor (originally sponsored by Senators Braun, Baumgartner, Rivers, Angel, Bailey, Warnick, Honeyford, and Parlette)

READ FIRST TIME 02/12/15.

1 AN ACT Relating to workers' compensation reform through
2 clarification of occupational disease claims; amending RCW 51.08.140,
3 51.32.180, and 51.28.055; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that a fiscally
6 sound industrial insurance system that assures necessary and proper
7 medical care for persons injured at work is integral to the health
8 and economic well-being of workers and the economic welfare of the
9 state. The legislature further finds that reforms are needed to
10 assure the best worker outcomes, including return to work.
11 Improvements are also needed to assure the most efficient and fair
12 system. The legislature intends to make the workers' compensation
13 system more cost-effective by assuring that the workers' compensation
14 system will only be responsible for costs due to workplace injuries.

15 **Sec. 2.** RCW 51.08.140 and 1961 c 23 s 51.08.140 are each amended
16 to read as follows:

17 (1) "Occupational disease" means such disease or infection as
18 arises (~~naturally and proximately~~) out of and in the course of the
19 particular employment under (~~the mandatory or elective adoption~~

1 ~~provisions of~~) this title in which the worker is exposed to such
2 disease or infection and which meets all of the following criteria:

3 (a) The disease or infection is proximately caused by the
4 distinctive conditions under which the work is performed and risk of
5 exposure inherent therein;

6 (b) The disease or infection arose as a natural incident of the
7 employment-related exposure;

8 (c) The worker would not have ordinarily been exposed to the
9 disease or infection outside of his or her employment; and

10 (d) The disease or infection is not an ordinary condition of life
11 to which the general public is exposed without regard to employment.

12 (2) For the purposes of this section, "proximate cause" means
13 that cause which, in a direct sequence, unbroken by any new,
14 independent cause, produces the disease or infection, and without
15 which the disease or infection would not have occurred.

16 **Sec. 3.** RCW 51.32.180 and 1988 c 161 s 5 are each amended to
17 read as follows:

18 Every worker who suffers disability from an occupational disease
19 arising out of and in the course of employment under the mandatory or
20 elective adoption provisions of this title, or his or her family and
21 dependents in case of death of the worker from such disease or
22 infection, ~~((shall))~~ must receive the same compensation benefits and
23 medical, surgical and hospital care and treatment as would be paid
24 and provided for a worker injured or killed in employment under this
25 title, except as follows: ~~((a) [(1)])~~ (1) This section and RCW
26 51.16.040 shall not apply where the last exposure to the hazards of
27 the disease or infection occurred prior to January 1, 1937; and ~~((b)~~
28 ~~[(2)])~~ (2) for claims filed on or after July 1, 1988, the rate of
29 compensation for occupational diseases ~~((shall))~~ must be established
30 as of the date the disease requires medical treatment or becomes
31 totally or partially disabling, whichever occurs first, and without
32 regard to the date of the contraction of the disease or the date of
33 filing the claim.

34 **Sec. 4.** RCW 51.28.055 and 2004 c 65 s 7 are each amended to read
35 as follows:

36 ~~(1) ((Except as provided in subsection (2) of this section for~~
37 ~~claims filed for occupational hearing loss, claims for occupational~~
38 ~~disease or infection to be valid and compensable must be filed within~~

1 ~~two years following the date the worker had written notice from a~~
2 ~~physician or a licensed advanced registered nurse practitioner: (a)~~
3 ~~Of the existence of his or her occupational disease, and (b) that a~~
4 ~~claim for disability benefits may be filed. The notice shall also~~
5 ~~contain a statement that the worker has two years from the date of~~
6 ~~the notice to file a claim. The physician or licensed advanced~~
7 ~~registered nurse practitioner shall file the notice with the~~
8 ~~department. The department shall send a copy to the worker and to the~~
9 ~~self-insurer if the worker's employer is self-insured. However, a~~
10 ~~claim is valid if it is filed within two years from the date of death~~
11 ~~of the worker suffering from an occupational disease.))~~ To be valid

12 and compensable, claims for occupational disease or infection must be
13 filed within one year following the earliest of the following dates:

- 14 (a) The date the disease or infection was first diagnosed;
15 (b) The date the worker first received treatment for symptoms of
16 the disease or infection from any health services provider; or
17 (c) The date the worker was first partially or fully restricted
18 from work due to the disease or infection.

19 (2) ~~((a) Except as provided in (b) of this subsection,~~) To be
20 valid and compensable, claims for hearing loss due to occupational
21 noise exposure must be filed within two years of the date of the
22 worker's last injurious exposure to occupational noise in employment
23 covered under this title ((or within one year of September 10, 2003,
24 whichever is later.

25 ~~(b) A claim for hearing loss due to occupational noise exposure~~
26 ~~that is not timely filed under (a) of this subsection can only be~~
27 ~~allowed for medical aid benefits under chapter 51.36 RCW)).~~

28 (3) The department may adopt rules to implement this section.

--- END ---