
SENATE BILL 5576

State of Washington

64th Legislature

2015 Regular Session

By Senators Baumgartner and Braun

Read first time 01/26/15. Referred to Committee on Commerce & Labor.

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

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

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

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

17 (b) For any injury, the report required by (a) of this subsection
18 must be in writing, signed by the worker, and submitted to the
19 employer within sixty days from the date of injury or before the
20 worker files an application under this title, whichever comes first.
21 However, if, due to the injury, the worker is unable to notify the

1 employer in a signed writing, someone on his or her behalf may notify
2 the employer in writing as required by this subsection (1)(b). If the
3 worker or someone on his or her behalf fails to report as required by
4 this subsection (1)(b), the application is not valid and the claim
5 thereunder is unenforceable.

6 (2) Upon receipt of such notice of accident, the department shall
7 immediately forward to the worker or his or her beneficiaries or
8 dependents notification, in nontechnical language, of their rights
9 under this title. The notice must specify the worker's right to
10 receive health services from a physician or a licensed advanced
11 registered nurse practitioner of the worker's choice under RCW
12 51.36.010, including chiropractic services under RCW 51.36.015, and
13 must list the types of providers authorized to provide these
14 services.

15 (3) Employers shall not engage in claim suppression.

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

18 (a) Inducing employees to fail to report injuries;

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

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

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

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

34 NEW SECTION. Sec. 2. Section 1 of this act applies to injuries
35 occurring on or after the effective date of this section.

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