

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1902**

67th Legislature  
2022 Regular Session

Passed by the House March 7, 2022  
Yeas 98 Nays 0

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**Speaker of the House of  
Representatives**

Passed by the Senate March 4, 2022  
Yeas 48 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1902** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1902**

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AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

**State of Washington                      67th Legislature                      2022 Regular Session**

**By** House Labor & Workplace Standards (originally sponsored by Representatives Schmick and Pollet)

READ FIRST TIME 02/02/22.

1            AN ACT Relating to providing an exception to the process for  
2 reopening a workers' compensation claim when the claimant submits a  
3 reopening application in a timely manner; and amending RCW 51.28.040.

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

5            **Sec. 1.** RCW 51.28.040 and 1977 ex.s. c 199 s 1 are each amended  
6 to read as follows:

7            (1)(a) If change of circumstances warrants an increase or  
8 rearrangement of compensation, like application shall be made  
9 therefor. Where the application has been granted, compensation and  
10 other benefits if in order shall be allowed for periods of time up to  
11 ((sixty)) 60 days prior to the receipt of such application, except as  
12 provided in (b) of this subsection.

13            (b) Compensation and other benefits under (a) of this subsection  
14 shall be allowed for periods of time beyond 60 days, up to and  
15 including the time period covering the change of circumstances  
16 warranting an increase or rearrangement of compensation or other  
17 benefits, subject to a maximum of 120 days prior to the receipt of  
18 the application, where:

19            (i) The application was not received by the department or self-  
20 insurer within 60 days of the provision of medical services made  
21 necessary by the change in circumstances, due to a failure of the

1 treating provider to timely complete or submit the provider  
2 information section of the application; and  
3 (ii) The worker demonstrates that the worker information section  
4 of the application was completed and submitted via certified mail or  
5 electronic verification of receipt to the department, self-insurer,  
6 or the treating provider within 30 days of the provision of medical  
7 services made necessary by the change in circumstances.  
8 (2) Any forms provided by the department or self-insurer as the  
9 application to reopen a claim under subsection (1)(a) of this  
10 section, must:  
11 (a) Encourage the worker to submit the form to the treating  
12 provider within 30 days of the provision of any medical services made  
13 necessary by the change in circumstances; and  
14 (b) Provide notice to both the worker and the medical provider  
15 that the application must be received by the department or self-  
16 insurer within 60 days of the provision of any medical services made  
17 necessary by the change in circumstances.

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