

2 **HB 1243** - S COMM AMD

3 By Committee on Labor & Commerce

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 51.52.050 and 1987 c 151 s 1 are each amended to read
8 as follows:

9 (1) Whenever the department has made any order, decision, or award,
10 it shall promptly serve the worker, beneficiary, employer, or other
11 person affected thereby, with a copy thereof by mail, which shall be
12 addressed to such person at his or her last known address as shown by
13 the records of the department. The copy, in case the same is a final
14 order, decision, or award, shall bear on the same side of the same page
15 on which is found the amount of the award, a statement, set in black
16 faced type of at least ten point body or size, that such final order,
17 decision, or award shall become final within sixty days from the date
18 the order is communicated to the parties unless a written request for
19 reconsideration is filed with the department of labor and industries,
20 Olympia, or an appeal is filed with the board of industrial insurance
21 appeals, Olympia(~~(:—PROVIDED, That)~~). However, a department order or
22 decision making demand, whether with or without penalty, for repayment
23 of sums paid to a provider of medical, dental, vocational, or other
24 health services rendered to an industrially injured worker, shall state
25 that such order or decision shall become final within twenty days from
26 the date the order or decision is communicated to the parties unless a
27 written request for reconsideration is filed with the department of
28 labor and industries, Olympia, or an appeal is filed with the board of
29 industrial insurance appeals, Olympia.

30 (2) Whenever the department has taken any action or made any
31 decision relating to any phase of the administration of this title, the
32 worker, beneficiary, employer, or other person aggrieved thereby may
33 request reconsideration of the department, or may appeal to the board.
34 If an employer requests reconsideration of a department order in favor
35 of an injured worker, the employer must submit all information relevant
36 to the request within sixty days of requesting reconsideration and the

1 department may consider only the information that is timely submitted.
2 For good cause shown, the department may extend the time period for an
3 additional thirty days. If the worker or beneficiary requests
4 reconsideration of a department order in favor of the employer, the
5 worker or beneficiary must submit all information relevant to the
6 request within sixty days of requesting reconsideration and the
7 department may consider only the information that is timely submitted.
8 For good cause shown, the department may extend the time period for an
9 additional thirty days.

10 (3) In an appeal before the board, the appellant shall have the
11 burden of proceeding with the evidence to establish a prima facie case
12 for the relief sought in such appeal(~~(: PROVIDED, That)~~). However, in
13 an appeal from an order of the department that alleges fraud, the
14 department or self-insured employer shall initially introduce all
15 evidence in its case in chief. (~~Any such~~) A person aggrieved by the
16 decision and order of the board may thereafter appeal to the superior
17 court, as prescribed in this chapter."

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21 On page 1, line 2 of the title, after "orders;" strike the
22 remainder of the title and insert "and amending RCW 51.52.050."

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