
SENATE BILL 6435

State of Washington 53rd Legislature 1994 Regular Session

By Senators Anderson, Amondson, Owen, Newhouse, Oke and Winsley

Read first time 01/24/94. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to disqualification from industrial insurance
2 compensation for worker's intoxication or controlled substance use; and
3 amending RCW 51.32.020 and 51.32.110.

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

5 **Sec. 1.** RCW 51.32.020 and 1977 ex.s. c 350 s 39 are each amended
6 to read as follows:

7 If injury or death results to a worker from the deliberate
8 intention of the worker himself or herself to produce such injury or
9 death, from the worker's intoxication or use of a controlled substance
10 defined in the Uniform Controlled Substances Act, chapter 69.50 RCW, or
11 while the worker is engaged in the attempt to commit, or the commission
12 of, a felony, neither the worker nor the widow, widower, child, or
13 dependent of the worker shall receive any payment under this title. If
14 the worker has the same or greater weight of alcohol in the blood than
15 that set forth in RCW 46.61.502 or if the worker had positive
16 confirmation of a controlled substance, it must be presumed that the
17 injury was caused by the intoxication of alcohol or by the influence of
18 the controlled substance.

1 An invalid child, while being supported and cared for in a state
2 institution, shall not receive compensation under this chapter.

3 No payment shall be made to or for a natural child of a deceased
4 worker and, at the same time, as the stepchild of a deceased worker.

5 **Sec. 2.** RCW 51.32.110 and 1993 c 375 s 1 are each amended to read
6 as follows:

7 (1) Any worker entitled to receive any benefits or claiming such
8 under this title or who was involved in an injury at work shall, if
9 requested by the department or self-insurer, submit himself or herself
10 for medical examination, at a time and from time to time, at a place
11 reasonably convenient for the worker and as may be provided by the
12 rules of the department. If requested by the employer, the physical
13 examination shall include the taking of blood or urine samples, or
14 both, to determine whether the employee, at the time of the injury, was
15 under the influence of alcohol or any controlled substance as defined
16 in the Uniform Controlled Substances Act, chapter 69.50 RCW.

17 (2) If the worker refuses to submit to medical examination, or
18 obstructs the same, or, if any injured worker shall persist in
19 unsanitary or injurious practices which tend to imperil or retard his
20 or her recovery, or shall refuse to submit to such medical or surgical
21 treatment as is reasonably essential to his or her recovery or refuse
22 or obstruct evaluation or examination for the purpose of vocational
23 rehabilitation or does not cooperate in reasonable efforts at such
24 rehabilitation, the department or the self-insurer upon approval by the
25 department, with notice to the worker may suspend any further action on
26 any claim of such worker so long as such refusal, obstruction,
27 noncooperation, or practice continues and reduce, suspend, or deny any
28 compensation for such period: PROVIDED, That the department or the
29 self-insurer shall not suspend any further action on any claim of a
30 worker or reduce, suspend, or deny any compensation if a worker has
31 good cause for refusing to submit to or to obstruct any examination,
32 evaluation, treatment or practice requested by the department or
33 required under this section.

34 (3) If the worker necessarily incurs traveling expenses in
35 attending the examination pursuant to the request of the department,
36 such traveling expenses shall be repaid to him or her out of the
37 accident fund upon proper voucher and audit or shall be repaid by the
38 self-insurer, as the case may be.

1 (4)(a) If the medical examination required by this section causes
2 the worker to be absent from his or her work without pay:

3 (i) In the case of a worker insured by the department, the worker
4 shall be paid compensation out of the accident fund in an amount equal
5 to his or her usual wages for the time lost from work while attending
6 the medical examination; or

7 (ii) In the case of a worker of a self-insurer, the self-insurer
8 shall pay the worker an amount equal to his or her usual wages for the
9 time lost from work while attending the medical examination.

10 (b) This subsection (4) shall apply prospectively to all claims
11 regardless of the date of injury.

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