
SENATE BILL 6883

State of Washington

60th Legislature

2008 Regular Session

By Senator Swecker

Read first time 01/31/08. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to industrial insurance disability pensions; and
2 amending RCW 51.32.160.

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

4 **Sec. 1.** RCW 51.32.160 and 1995 c 253 s 2 are each amended to read
5 as follows:

6 (1)(a) If aggravation, diminution, or termination of disability
7 takes place, the director may, upon the application of the beneficiary,
8 made within seven years from the date the first closing order becomes
9 final, or at any time upon his or her own motion, readjust the rate of
10 compensation in accordance with the rules in this section provided for
11 the same, or in a proper case terminate the payment: PROVIDED, That
12 the director may, upon application of the worker made at any time,
13 provide proper and necessary medical and surgical services as
14 authorized under RCW 51.36.010. The department shall promptly mail a
15 copy of the application to the employer at the employer's last known
16 address as shown by the records of the department.

17 (b) "Closing order" as used in this section means an order based on
18 factors which include medical recommendation, advice, or examination.

1 (c) Applications for benefits where the claim has been closed
2 without medical recommendation, advice, or examination are not subject
3 to the seven year limitation of this section. The preceding sentence
4 shall not apply to any closing order issued prior to July 1, 1981.
5 First closing orders issued between July 1, 1981, and July 1, 1985,
6 shall, for the purposes of this section only, be deemed issued on July
7 1, 1985. The time limitation of this section shall be ten years in
8 claims involving loss of vision or function of the eyes.

9 (d) If an order denying an application to reopen filed on or after
10 July 1, 1988, is not issued within ninety days of receipt of such
11 application by the self-insured employer or the department, such
12 application shall be deemed granted. However, for good cause, the
13 department may extend the time for making the final determination on
14 the application for an additional sixty days.

15 (2) If a worker receiving a pension for total disability returns to
16 gainful employment for wages, the director may suspend or terminate the
17 rate of compensation established for the disability without producing
18 medical evidence that shows that a diminution of the disability has
19 occurred. Volunteer work for a public agency for forty hours per week
20 or less shall not constitute gainful employment or work type activity.
21 For purposes of this section, "public agency" means any state or local
22 government board, commission, bureau, committee, department,
23 institution, division, or tribunal in the legislative, executive, or
24 judicial branch, including counties, cities, towns, special purpose
25 districts, local service districts, school districts, municipal
26 corporations, and political subdivisions of such agencies and
27 corporations which are created by or pursuant to statute.

28 (3) No act done or ordered to be done by the director, or the
29 department prior to the signing and filing in the matter of a written
30 order for such readjustment shall be grounds for such readjustment.

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