
HOUSE BILL 2174

State of Washington 54th Legislature 1996 Regular Session

By Representatives Campbell, Smith, McMahan, Thompson and Cooke

Read first time 01/08/96. Referred to Committee on Health Care.

1 AN ACT Relating to industrial insurance medical examinations; and
2 amending RCW 51.32.110.

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

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

6 (1) Any worker entitled to receive any benefits or claiming such
7 under this title shall, if requested by the department or self-insurer,
8 submit himself or herself for medical examination, at a time and from
9 time to time, at a place reasonably convenient for the worker and as
10 may be provided by the rules of the department.

11 (2) If the worker refuses to submit to medical examination, or
12 obstructs the same, or, if any injured worker shall persist in
13 unsanitary or injurious practices which tend to imperil or retard his
14 or her recovery, or shall refuse to submit to such medical or surgical
15 treatment as is reasonably essential to his or her recovery or refuse
16 or obstruct evaluation or examination for the purpose of vocational
17 rehabilitation or does not cooperate in reasonable efforts at such
18 rehabilitation, the department or the self-insurer upon approval by the
19 department, with notice to the worker may suspend any further action on

1 any claim of such worker so long as such refusal, obstruction,
2 noncooperation, or practice continues and reduce, suspend, or deny any
3 compensation for such period: PROVIDED, That the department or the
4 self-insurer shall not suspend any further action on any claim of a
5 worker or reduce, suspend, or deny any compensation if a worker has
6 good cause for refusing to submit to or to obstruct any examination,
7 evaluation, treatment or practice requested by the department or
8 required under this section.

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

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

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

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

23 (b) This subsection (4) shall apply prospectively to all claims
24 regardless of the date of injury. The worker may, at his or her own
25 expense, have a representative present at the medical examination. The
26 representative may observe the examination but not interfere with or
27 obstruct the examination. The worker or worker's representative may,
28 at his or her own expense, make an audio or video tape recording of the
29 examination, if the recording is made in an unobtrusive manner.

--- END ---