
SENATE BILL 6343

State of Washington

54th Legislature

1996 Regular Session

By Senators Hochstatter, Deccio and McCaslin

Read first time 01/11/96. Referred to Committee on Labor, Commerce & Trade.

1 AN ACT Relating to industrial insurance claims; and amending RCW
2 51.12.010, 51.28.010, 51.28.020, and 51.32.110.

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

4 **Sec. 1.** RCW 51.12.010 and 1972 ex.s. c 43 s 6 are each amended to
5 read as follows:

6 There is a hazard in all employment and it is the purpose of this
7 title to embrace all employments which are within the legislative
8 jurisdiction of the state.

9 This title shall be (~~liberally~~) fairly construed, balancing
10 between the interests of the employee and employer based upon factual
11 evidence, for the purpose of reducing to a minimum the suffering and
12 economic loss arising from injuries and/or death occurring in the
13 course of employment.

14 **Sec. 2.** RCW 51.28.010 and 1977 ex.s. c 350 s 32 are each amended
15 to read as follows:

16 Whenever any accident occurs to any worker it shall be the duty of
17 such worker or someone in his or her behalf to forthwith report such
18 accident to his or her employer, superintendent or foreman or forewoman

1 in charge of the work, and of the employer to at once report such
2 accident and the injury resulting therefrom to the department pursuant
3 to RCW 51.28.025, as now or hereafter amended, where the worker has
4 received treatment from a physician, has been hospitalized, disabled
5 from work, or has died as the apparent result of such accident and
6 injury. Failure of the worker to report a workplace injury or illness
7 to the employer may be reason enough to deny the worker benefits under
8 this title.

9 Upon receipt of such notice of accident, the department shall
10 immediately forward to the worker or his or her beneficiaries or
11 dependents notification, in nontechnical language, of their rights
12 under this title.

13 **Sec. 3.** RCW 51.28.020 and 1984 c 159 s 3 are each amended to read
14 as follows:

15 Where a worker is entitled to compensation under this title he or
16 she shall file with the department or his or her self-insuring
17 employer, as the case may be, his or her application for such, together
18 with the certificate of the physician who attended him or her, and it
19 shall be the duty of the physician to inform the injured worker of his
20 or her rights under this title and to lend all necessary assistance in
21 making this application for compensation and such proof of other
22 matters as required by the rules of the department without charge to
23 the worker. When the physician establishes the date of injury or
24 determines whether an injury is work related, the physician must
25 provide either factual data or a second opinion to be used by the
26 department to determine the validity of the claim. The department
27 shall provide physicians with a manual which outlines the procedures to
28 be followed in applications for compensation involving occupational
29 diseases, and which describes claimants' rights and responsibilities
30 related to occupational disease claims. If application for
31 compensation is made to a self-insuring employer, he or she shall
32 forthwith send a copy thereof to the department.

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

35 (1) Any worker entitled to receive any benefits or claiming such
36 under this title shall, if requested by the department ~~((or))~~, self-
37 insurer, or employer, submit himself or herself for medical

1 examination, at a time and from time to time, at a place reasonably
2 convenient for the worker and as may be provided by the rules of the
3 department.

4 (2) If the worker refuses to submit to medical examination, or
5 obstructs the same, or, if any injured worker shall persist in
6 unsanitary or injurious practices which tend to imperil or retard his
7 or her recovery, or shall refuse to submit to such medical or surgical
8 treatment as is reasonably essential to his or her recovery or refuse
9 or obstruct evaluation or examination for the purpose of vocational
10 rehabilitation or does not cooperate in reasonable efforts at such
11 rehabilitation, the department or the self-insurer upon approval by the
12 department, with notice to the worker may suspend any further action on
13 any claim of such worker so long as such refusal, obstruction,
14 noncooperation, or practice continues and reduce, suspend, or deny any
15 compensation for such period: PROVIDED, That the department or the
16 self-insurer shall not suspend any further action on any claim of a
17 worker or reduce, suspend, or deny any compensation if a worker has
18 good cause for refusing to submit to or to obstruct any examination,
19 evaluation, treatment or practice requested by the department or
20 required under this section.

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

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

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

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

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

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