

1 **SB 5571** - H AMD TO CL COMM AMD (5571 AMH CL CORD 113) **620 ADOPTED**  
2 By Representative McMorris **4-17-97**

3 On page 2, after line 9 of the amendment, insert the following:

4 "**Sec. 2.** RCW 51.04.030 and 1994 c 164 25 are each amended to  
5 read as follows:

6 (1) The director shall supervise the providing of prompt and  
7 efficient care and treatment, including care provided by physician  
8 assistants governed by the provisions of chapters 18.57A and 18.71A  
9 RCW, acting under a supervising physician, and including chiropractic  
10 care, to workers injured during the course of their employment at the  
11 least cost consistent with promptness and efficiency, without  
12 discrimination or favoritism, and with as great uniformity as the  
13 various and diverse surrounding circumstances and locations of  
14 industries will permit and to that end shall, from time to time,  
15 establish and adopt and supervise the administration of printed forms,  
16 rules, regulations, and practices for the furnishing of such care and  
17 treatment: PROVIDED, That, the department may recommend to an injured  
18 worker particular health care services and providers where specialized  
19 treatment is indicated or where cost effective payment levels or rates  
20 are obtained by the department: AND PROVIDED FURTHER, That the  
21 department may enter into contracts for goods and services including,  
22 but not limited to, durable medical equipment so long as state-wide  
23 access to quality service is maintained for injured workers.

24 (2) The director shall, in consultation with interested persons,  
25 establish and, in his or her discretion, periodically change as may be  
26 necessary, and make available a fee schedule of the maximum charges to  
27 be made by any physician, surgeon, chiropractor, hospital, druggist,  
28 physicians' assistants as defined in chapters 18.57A and 18.71A RCW,  
29 acting under a supervising physician or other agency or person  
30 rendering services to injured workers. The department shall coordinate  
31 with other state purchasers of health care services to establish as  
32 much consistency and uniformity in billing and coding practices as  
33 possible, taking into account the unique requirements and differences  
34 between programs. No service covered under this title, including  
35 services provided to injured workers, whether aliens or other injured  
36 workers, who are not residing in the United States at the time of

1 receiving the services, shall be charged or paid at a rate or rates  
2 exceeding those specified in such fee schedule, and no contract  
3 providing for greater fees shall be valid as to the excess. The  
4 establishment of such a schedule, exclusive of conversion factors, does  
5 not constitute "agency action" as used in RCW 34.05.010(3), nor does  
6 such a fee schedule constitute a "rule" as used in RCW 34.05.010(15).

7 (3) The director or self-insurer, as the case may be, shall make  
8 a record of the commencement of every disability and the termination  
9 thereof and, when bills are rendered for the care and treatment of  
10 injured workers, shall approve and pay those which conform to the  
11 adopted rules, regulations, established fee schedules, and practices of  
12 the director and may reject any bill or item thereof incurred in  
13 violation of the principles laid down in this section or the rules,  
14 regulations, or the established fee schedules and rules and regulations  
15 adopted under it.

16 **Sec. 3.** RCW 51.32.110 and 1993 c 375 1 are each amended to read  
17 as follows:

18 (1) Any worker entitled to receive any benefits or claiming such  
19 under this title shall, if requested by the department or self-insurer,  
20 submit himself or herself for medical examination, at a time and from  
21 time to time, at a place reasonably convenient for the worker and as  
22 may be provided by the rules of the department. An injured worker,  
23 whether an alien or other injured worker, who is not residing in the  
24 United States at the time that a medical examination is requested may  
25 be required to submit to an examination at any location in the United  
26 States determined by the department or self-insurer.

27 (2) If the worker refuses to submit to medical examination, or  
28 obstructs the same, or, if any injured worker shall persist in  
29 unsanitary or injurious practices which tend to imperil or retard his  
30 or her recovery, or shall refuse to submit to such medical or surgical  
31 treatment as is reasonably essential to his or her recovery or refuse  
32 or obstruct evaluation or examination for the purpose of vocational  
33 rehabilitation or does not cooperate in reasonable efforts at such  
34 rehabilitation, the department or the self-insurer upon approval by the  
35 department, with notice to the worker may suspend any further action on  
36 any claim of such worker so long as such refusal, obstruction,  
37 noncooperation, or practice continues and reduce, suspend, or deny any

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

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

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

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

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

21 (b) This subsection (4) shall apply prospectively to all claims  
22 regardless of the date of injury."

23 Renumber the sections consecutively.

**EFFECT:** The amendment adds provisions (1) requiring that fees for health care services for injured workers, whether aliens or other injured workers, not residing in the U.S. when the services are provided are subject to the fee schedule adopted by the Department of Labor and Industries; and (2) authorizing the department or self-insurer to require an injured worker, whether an alien or other injured worker, not residing in the U.S. to submit to a medical examination in a location in the U.S.