

2 ESHB 1292 - S AMD - 496
3 By Senator Heavey

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5 Beginning on page 3, after line 31, strike all material through
6 "claim." on page 4, line 35, and insert the following:

7 "(5) Within one year after a claim involving time loss and
8 vocational rehabilitation services has been closed if the worker is
9 terminated from employment with the employer of record, the worker
10 shall be eligible for vocational rehabilitation services under
11 subsection (1)(b) of this section to include loss of earning power.
12 This subsection (5) does not apply to a worker who is terminated for
13 malfeasance and is not eligible for unemployment payments."

14 (6)(a) If the department determines that a retrospective rating
15 employer or group, or an authorized claims administrator, may have
16 violated the authority granted in this section, the department shall
17 notify the employer, group, or authorized claims administrator in
18 writing outlining the violation and the corrective action required.
19 The notice must specify a reasonable period of time for corrective
20 action. The employer, group, or authorized claims administrator is
21 subject to penalties under this subsection for the violation or for
22 failing to take the required corrective action within the specified
23 period, or both.

24 (b) If the department finds a pattern of improper claims closure or
25 other violations of the authority granted in subsection (2) or (3) of
26 this section, the director, or his or her designee, shall suspend the
27 retrospective rating employer's or group's, or authorized claims
28 administrator's, authority to assist the department in the processing
29 of claims under this section for a period of up to two years. The
30 department shall issue an order and notice under RCW 51.52.050 which
31 states the grounds for the suspension. As provided in chapter 51.52
32 RCW, the order becomes final within sixty days from the date the order
33 is communicated to the employer, group, or authorized claims
34 administrator unless a written request for reconsideration is filed
35 with the department or an appeal is filed with the board of industrial
36 insurance appeals.

1 (c) This subsection does not limit the department's authority to
2 impose penalties under chapter 51.48 RCW.

3 (7) The director shall adopt under chapter 34.05 RCW all necessary
4 rules governing the administration of this section. The rules should
5 encourage broad participation in retrospective rating plans by
6 employers and groups of employers consistent with insurance principles.
7 The retrospective rating plan employer's or group's, or authorized
8 claims administrator's, exercise of authority under this section may
9 require prior notification to the department, but the rules must
10 minimize the department's need to respond and must ensure that a
11 failure to respond or a delay in response by the department does not
12 impede the timely administration of the claim."

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