

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5205

57th Legislature
2001 Regular Session

Passed by the Senate March 14, 2001
YEAS 49 NAYS 0

President of the Senate

Passed by the House April 6, 2001
YEAS 93 NAYS 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5205** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5205

Passed Legislature - 2001 Regular Session

State of Washington 57th Legislature 2001 Regular Session

By Senate Committee on Labor, Commerce & Financial Institutions
(originally sponsored by Senators Prentice, Winsley, Fairley and T. Sheldon)

READ FIRST TIME 02/12/01.

1 AN ACT Relating to providing information for independent
2 medical examinations; and amending RCW 51.14.120 and 51.36.070.

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

4 **Sec. 1.** RCW 51.14.120 and 1993 c 122 s 2 are each amended to read
5 as follows:

6 (1) The self-insurer shall provide, when authorized under RCW
7 51.28.070, a copy of the employee's claim file at no cost within
8 fifteen days of receipt of a request by the employee or the
9 employee's representative, and shall provide the physician
10 performing an examination with all relevant medical records from
11 the worker's claim file, but only to the extent required of the
12 department under RCW 51.36.070. If the self-insured employer
13 determines that release of the claim file to an unrepresented
14 worker in whole or in part, may not be in the worker's best
15 interests, the employer must submit a request for denial with an
16 explanation along with a copy of that portion of the claim file
17 not previously provided within twenty days after the request from
18 the worker. In the case of second or subsequent requests, a

1 reasonable charge for copying may be made. The self-insurer shall
2 provide the entire contents of the claim file unless the request
3 is for only a particular portion of the file. Any new material
4 added to the claim file after the initial request shall be
5 provided under the same terms and conditions as the initial
6 request.

7 (2) The self-insurer shall transmit notice to the department of
8 any protest or appeal by an employee relating to the
9 administration of an industrial injury or occupational disease
10 claim under this chapter within five working days of receipt. The
11 date that the protest or appeal is received by the self-insurer
12 shall be deemed to be the date the protest is received by the
13 department for the purpose of RCW 51.52.050.

14 (3) The self-insurer shall submit a medical report with the
15 request for closure of a claim under this chapter.

16 **Sec. 2.** RCW 51.36.070 and 1977 ex.s. c 350 s 60 are each amended
17 to read as follows:

18 Whenever the director or the self-insurer deems it necessary in
19 order to resolve any medical issue, a worker shall submit to
20 examination by a physician or physicians selected by the director,
21 with the rendition of a report to the person ordering the
22 examination. The department or self-insurer shall provide the
23 physician performing an examination with all relevant medical
24 records from the worker's claim file. The director, in his or her
25 discretion, may charge the cost of such examination or
26 examinations to the self-insurer or to the medical aid fund as the
27 case may be. The cost of said examination shall include payment to
28 the worker of reasonable expenses connected therewith.

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