

HOUSE BILL REPORT

EHB 2185

As Passed Legislature

Title: An act relating to residence modifications for injured workers.

Brief Description: Establishing residence modifications standards.

Sponsors: By Representatives Newhouse, Conway and Condotta.

Brief History:

Committee Activity:

Commerce & Labor: 3/2/05 [DP].

Floor Activity:

Passed House: 3/15/05, 96-0.

Senate Amended.

Passed Senate: 4/13/05, 44-0.

House Concurred.

Passed House: 4/19/05, 98-0.

Passed Legislature.

Brief Summary of Engrossed Bill

- Requires the Department of Labor and Industries to adopt rules establishing guidelines and processes for residence modification of catastrophically injured workers.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 6 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Crouse and McCoy.

Staff: Chris Cordes (786-7103).

Background:

Industrial insurance is a no-fault state workers' compensation program that provides medical and partial wage replacement benefits to covered workers who are injured on the job or who develop an occupational disease. If a worker sustains a catastrophic injury, the Department of Labor and Industries (Department) is authorized to pay, or to order a self-insured employer to pay, as applicable, up to a statutory maximum for residence modification when modifications are reasonable and necessary to meet the needs of the worker. The maximum amount of the

payment is the amount of the state's average annual wage, which is \$38,794 beginning July 1, 2004.

Under Department policy, residence modifications are reasonable and necessary if all of the following are met:

- The modification is necessary to meet the worker's needs for safety, mobility, and activities of daily living.
- The contractor's proposed plan will satisfy the necessary modification.
- The home is structurally sound.

Necessary modifications may include, but are not limited to:

- structures, such as walkways and driveways;
- equipment, such as door knobs, toilet seats, or grab bars; and
- air conditioners or purifiers, where medically necessary.

Appliances are not considered residence modifications.

Summary of Engrossed Bill:

The Director of the Department of Labor and Industries (Director) must adopt rules, to take effect no later than nine months after the bill's effective date, establishing guidelines and processes for residence modification for catastrophically injured workers. The rules must address at least the process for an injured worker to access the residence modification benefits, and how the Department may address the needs and preferences of the individual worker on a case-by-case basis taking into account information provided by the injured worker. In determining the injured worker's needs, including whether a modification is medically necessary, the Department must consider all available information regarding the medical condition and physical restrictions of the worker, including the opinion of the worker's attending health services provider.

In adopting the rules, the Director must consult with persons interested in improving standards for adaptive housing, including persons with expertise in the rehabilitation of catastrophically disabled individuals and modifications for adaptive housing. The rules must be based on nationally accepted guidelines and publications, with consideration given to the guidelines established by the federal Department of Veterans Affairs and the recommendations published by Barrier Free Environments, Inc.

By December 2007, the Director must report to the appropriate committees of the Legislature on the rules adopted under these provisions.

Appropriation: None.

Fiscal Note: Requested on March 1, 2005.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: An injured worker, who is quadriplegic, is trying to build a new home. He has many issues with the Department of Labor and Industries (Department) over the standards that should be used when approving home modifications, because the Department does not seem to have standards. The bill uses the Veterans Administration standards which seem to be well-thought out standards. This issue impacts few people, but the impacts for these few are great.

(Information only) The Department's process in these cases is to use an occupational therapist or other trained professional to review the plans and the worker's limitations to see if the plans provide for the worker's needs. The Department has not adopted standards, but instead uses the recommendations of experts.

Testimony Against: None.

Persons Testifying: Representative Newhouse, prime sponsor.

(Information only) Vickie Kennedy, Department of Labor and Industries.

Persons Signed In To Testify But Not Testifying: None.