
HOUSE BILL 3206

State of Washington 59th Legislature 2006 Regular Session

By Representatives Green, Conway, Cody, Simpson and Campbell

Read first time 01/25/2006. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to industrial insurance compensation for medical or
2 surgical treatment proven to be effective; and adding new sections to
3 chapter 51.36 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.36 RCW
6 to read as follows:

7 (1) If the department has made a medical coverage decision denying
8 the request of a worker entitled to benefits under this title for
9 coverage of a particular medical or surgical treatment under RCW
10 51.36.010 and the worker subsequently receives the medical or surgical
11 treatment at personal expense, by using private insurance, or by using
12 any other means, the department or self-insurer, as the case may be,
13 shall reimburse the payor for the cost of the medical or surgical
14 treatment, shall pay the treating provider any remaining balance unpaid
15 by the worker, and shall consider the treatment proper and necessary
16 treatment for the worker under RCW 51.36.010, if the worker has
17 provided:

18 (a) Adequate documentation of the medical or surgical treatment

1 performed for a condition accepted by the department or self-insurer,
2 as the case may be; and

3 (b) Medical evidence that shows that his or her condition has
4 reasonably improved after the medical or surgical treatment is
5 completed.

6 (2) In the case of a worker insured by the department, payment
7 under subsection (1) of this section shall be paid out of the medical
8 aid fund.

9 (3) In the case of a worker of a self-insurer, payment under
10 subsection (1) of this section shall be paid by the self-insurer.

11 (4) All payments under subsection (1) of this section must be made
12 within thirty days of receiving adequate documentation from the worker.

13 (5) Upon successful appeal by the department or self-insurer, the
14 worker must return all reimbursed medical expenses to the department or
15 self-insurer.

16 (6) This section applies prospectively to all claims regardless of
17 the date of injury.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 51.36 RCW
19 to read as follows:

20 (1) Upon request of the treating provider, the department must
21 authorize coverage for a trial on an individual worker entitled to
22 benefits under this title of an implantable medical device intended to
23 treat chronic intractable pain otherwise approved by the United States
24 food and drug administration and considered standard of care throughout
25 the interventional pain medical community.

26 (2) If, after conducting the trial under subsection (1) of this
27 section, the treating provider finds individual success in curing or
28 relieving the symptoms of the individual worker entitled to benefits
29 under this title, the department shall determine that the implantable
30 medical device intended to treat chronic intractable pain is proper and
31 necessary treatment for the worker under RCW 51.36.010 and shall
32 authorize coverage for full implantation and follow-up treatment.

33 (3) This section applies prospectively to all claims regardless of
34 the date of injury.

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