
SENATE BILL 5665

State of Washington 59th Legislature 2005 Regular Session

By Senators Parlette, Schoesler, Hewitt, Honeyford and Mulliken

Read first time 02/01/2005. Referred to Committee on Labor,
Commerce, Research & Development.

1 AN ACT Relating to worker accidents reports; amending RCW
2 51.28.010, 51.28.010, 51.28.020, 51.28.020, 51.28.025, and 51.28.025;
3 providing an effective date; and providing an expiration date.

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

5 **Sec. 1.** RCW 51.28.010 and 2004 c 65 s 3 are each amended to read
6 as follows:

7 (1) Whenever any accident occurs to any worker it shall be the duty
8 of such worker or someone in his or her behalf to forthwith report such
9 accident to his or her employer, superintendent, or supervisor in
10 charge of the work, and of the employer to at once report such accident
11 and the injury resulting therefrom to the department pursuant to RCW
12 51.28.025 where the worker has received treatment from a physician or
13 a licensed advanced registered nurse practitioner, has been
14 hospitalized, disabled from work, or has died as the apparent result of
15 such accident and injury.

16 (2) Upon receipt of such notice of accident, the department shall
17 immediately forward to the worker or his or her beneficiaries or
18 dependents notification, in nontechnical language, of their rights
19 under this title. The notice must specify the worker's right to

1 receive health services from a physician or a licensed advanced
2 registered nurse practitioner of the worker's choice under RCW
3 51.36.010, including chiropractic services under RCW 51.36.015, and
4 must list the types of providers authorized to provide these services.

5 (3) The director may impose a fine of up to fifty dollars on a
6 worker who fails to report an accident under subsection (1) of this
7 section. Fines collected under this subsection must be deposited into
8 the supplemental pension fund.

9 **Sec. 2.** RCW 51.28.010 and 2001 c 231 s 1 are each amended to read
10 as follows:

11 (1) Whenever any accident occurs to any worker it shall be the duty
12 of such worker or someone in his or her behalf to forthwith report such
13 accident to his or her employer, superintendent, or supervisor in
14 charge of the work, and of the employer to at once report such accident
15 and the injury resulting therefrom to the department pursuant to RCW
16 51.28.025 where the worker has received treatment from a physician, has
17 been hospitalized, disabled from work, or has died as the apparent
18 result of such accident and injury.

19 (2) Upon receipt of such notice of accident, the department shall
20 immediately forward to the worker or his or her beneficiaries or
21 dependents notification, in nontechnical language, of their rights
22 under this title. The notice must specify the worker's right to
23 receive health services from a physician of the worker's choice under
24 RCW 51.36.010, including chiropractic services under RCW 51.36.015, and
25 must list the types of providers authorized to provide these services.

26 (3) The director may impose a fine of up to fifty dollars on a
27 worker who fails to report an accident under subsection (1) of this
28 section. Fines collected under this subsection must be deposited into
29 the supplemental pension fund.

30 **Sec. 3.** RCW 51.28.020 and 2004 c 65 s 4 are each amended to read
31 as follows:

32 (1)(a) Where a worker is entitled to compensation under this title
33 he or she shall file with the department or his or her self-insured
34 employer, as the case may be, his or her application for such, together
35 with the certificate of the physician or licensed advanced registered
36 nurse practitioner who attended him or her. An application form

1 developed by the department shall include a notice specifying the
2 worker's right to receive health services from a physician or licensed
3 advanced registered nurse practitioner of the worker's choice under RCW
4 51.36.010, including chiropractic services under RCW 51.36.015, and
5 listing the types of providers authorized to provide these services.

6 (b) The physician or licensed advanced registered nurse
7 practitioner who attended the injured worker shall inform the injured
8 worker of his or her rights under this title and lend all necessary
9 assistance in making this application for compensation and such proof
10 of other matters as required by the rules of the department without
11 charge to the worker. The department shall provide physicians with a
12 manual which outlines the procedures to be followed in applications for
13 compensation involving occupational diseases, and which describes
14 claimants' rights and responsibilities related to occupational disease
15 claims.

16 (c) The worker must inform the physician or licensed advanced
17 registered nurse practitioner of his or her employer.

18 (d) As part of the process of informing the injured worker of his
19 or her rights, the physician must inform the injured worker that he or
20 she must report the accident to the employer. The physician will make
21 a reasonable attempt to contact the employer and notify the worker that
22 the claim may be delayed if the employer is not notified.

23 (2) If application for compensation is made to a self-insured
24 employer, he or she shall forthwith send a copy of the application to
25 the department.

26 **Sec. 4.** RCW 51.28.020 and 2001 c 231 s 2 are each amended to read
27 as follows:

28 (1)(a) Where a worker is entitled to compensation under this title
29 he or she shall file with the department or his or her self-insured
30 employer, as the case may be, his or her application for such, together
31 with the certificate of the physician who attended him or her. An
32 application form developed by the department shall include a notice
33 specifying the worker's right to receive health services from a
34 physician of the worker's choice under RCW 51.36.010, including
35 chiropractic services under RCW 51.36.015, and listing the types of
36 providers authorized to provide these services.

1 (b) The physician who attended the injured worker shall inform the
2 injured worker of his or her rights under this title and lend all
3 necessary assistance in making this application for compensation and
4 such proof of other matters as required by the rules of the department
5 without charge to the worker. The department shall provide physicians
6 with a manual which outlines the procedures to be followed in
7 applications for compensation involving occupational diseases, and
8 which describes claimants' rights and responsibilities related to
9 occupational disease claims.

10 (c) The worker must inform the physician or licensed advanced
11 registered nurse practitioner of his or her employer.

12 (d) As part of the process of informing the injured worker of his
13 or her rights, the physician must inform the injured worker that he or
14 she must report the accident to the employer. The physician will make
15 a reasonable attempt to contact the employer and notify the worker that
16 the claim may be delayed if the employer is not notified.

17 (2) If application for compensation is made to a self-insured
18 employer, he or she shall forthwith send a copy of the application to
19 the department.

20 **Sec. 5.** RCW 51.28.025 and 2004 c 65 s 5 are each amended to read
21 as follows:

22 (1) Whenever an employer has notice or knowledge of an injury or
23 occupational disease sustained by any worker in his or her employment
24 who has received treatment from a physician or a licensed advanced
25 registered nurse practitioner, has been hospitalized, disabled from
26 work or has died as the apparent result of such injury or occupational
27 disease, the employer shall immediately report the same to the
28 department on forms prescribed by it. The report shall include:

29 (a) The name, address, and business of the employer;

30 (b) The name, address, and occupation of the worker;

31 (c) The date, time, cause, and nature of the injury or occupational
32 disease;

33 (d) Whether the injury or occupational disease arose in the course
34 of the injured worker's employment;

35 (e) All available information pertaining to the nature of the
36 injury or occupational disease including but not limited to any visible

1 signs, any complaints of the worker, any time lost from work, and the
2 observable effect on the worker's bodily functions, so far as is known;
3 and

4 (f) Such other pertinent information as the department may
5 prescribe by regulation.

6 (2) Failure or refusal to file the report required by subsection
7 (1) shall subject the offending employer to a penalty determined by the
8 director but not to exceed two hundred fifty dollars for each offense,
9 to be collected in a civil action in the name of the department and
10 paid into the supplemental pension fund.

11 (3) The department will not make a determination on the validity of
12 a state fund claim until the worker, employer, and treatment provider
13 have had a reasonable opportunity to submit a completed accident
14 report.

15 **Sec. 6.** RCW 51.28.025 and 1987 c 185 s 32 are each amended to read
16 as follows:

17 (1) Whenever an employer has notice or knowledge of an injury or
18 occupational disease sustained by any worker in his or her employment
19 who has received treatment from a physician, has been hospitalized,
20 disabled from work or has died as the apparent result of such injury or
21 occupational disease, the employer shall immediately report the same to
22 the department on forms prescribed by it. The report shall include:

23 (a) The name, address, and business of the employer;

24 (b) The name, address, and occupation of the worker;

25 (c) The date, time, cause, and nature of the injury or occupational
26 disease;

27 (d) Whether the injury or occupational disease arose in the course
28 of the injured worker's employment;

29 (e) All available information pertaining to the nature of the
30 injury or occupational disease including but not limited to any visible
31 signs, any complaints of the worker, any time lost from work, and the
32 observable effect on the worker's bodily functions, so far as is known;
33 and

34 (f) Such other pertinent information as the department may
35 prescribe by regulation.

36 (2) Failure or refusal to file the report required by subsection
37 (1) shall subject the offending employer to a penalty determined by the

1 director but not to exceed two hundred fifty dollars for each offense,
2 to be collected in a civil action in the name of the department and
3 paid into the supplemental pension fund.

4 (3) The department will not make a determination on the validity of
5 a state fund claim until the worker, employer, and treatment provider
6 have had a reasonable opportunity to submit a completed accident
7 report.

8 NEW SECTION. Sec. 7. Sections 1, 3, and 5 of this act expire June
9 30, 2007.

10 NEW SECTION. Sec. 8. Sections 2, 4, and 6 of this act take effect
11 June 30, 2007.

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