

Chapter 192-34 WAC

TEMPORARY TOTAL DISABILITY

WAC

192-34-010	Definitions.
192-34-015	Exclusions.
192-34-020	Failure to apply in a timely manner.
192-34-025	Additional injuries.

WAC 192-34-010 Definitions. The following words and phrases as used in this chapter shall have the meanings set forth in this section unless the context otherwise requires:

(1) "Effective date of temporary total disability," for the purpose of establishing a base year, shall be Sunday of the week in which the individual:

(a) Became eligible for industrial insurance or crime victims compensation payments; or

(b) Became totally physically disabled due to a nonwork-related injury or illness.

(2) "Illness" means a condition marked by pronounced deviation from the normal healthy state, characterized by sickness, disease or disorder. The presence of alcohol abuse, drug abuse, antisocial behavior, or criminal history alone, or the commitment of an individual to a treatment program, is insufficient by itself to justify a finding of "illness" within the meaning of this chapter.

(3) "Industrial insurance" includes any program established by a public or private agency under the industrial insurance laws of this state, any other state, or the federal government to provide compensation to individuals who suffer an industrial disability that is total but of temporary duration.

(4) "Injury" means a trauma to the integrity or function of a tissue or organ and the physical conditions resulting therefrom.

(5) "Physician" means any person licensed to practice one or more of the following professions: Medicine and surgery; osteopathic medicine and surgery; chiropractic; naturopathic medicine; podiatry.

(6) "Reentry date," as it relates to a temporary total disability resulting from a nonwork-related injury or illness, shall be the date on which a physician releases the individual to return to work.

(7) "Temporary total disability" means an injury or illness, lasting thirteen or more consecutive calendar weeks, during which an individual is unable to follow continuously a substantially gainful occupation without seriously risking his or her health, as determined by a physician.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 94-07-115, § 192-34-010, filed 3/21/94, effective 5/2/94.]

WAC 192-34-015 Exclusions. The special provisions of chapter 50.06 RCW will not be available to individuals when:

(1) The injury or illness results to an individual from the deliberate intention of the individual to produce such injury or illness;

(3/21/94)

(2) The injury or illness is incurred while the individual is engaged in the attempt to commit, or the commission of, a criminal act. A "criminal act" shall include any unlawful action punishable as a felony or gross misdemeanor of which the individual has been convicted or has admitted committing to a competent authority; or

(3) The injury or illness is incurred as a result of the individual driving under the influence of intoxicating liquor or drugs or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drugs.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 94-07-115, § 192-34-015, filed 3/21/94, effective 5/2/94.]

WAC 192-34-020 Failure to apply in a timely manner. In the event a claimant fails to apply for initial determination within the time period prescribed by RCW 50.06.030 (1) and (2), a late filing shall be accepted for good cause shown.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 94-07-115, § 192-34-020, filed 3/21/94, effective 5/2/94.]

WAC 192-34-025 Additional injuries. Two or more separate injuries or illnesses, resulting in two or more separate periods of temporary total disability, may not be combined or joined. A unique base year and benefit year shall be established for each injury or illness pursuant to chapter 50.06 RCW.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 94-07-115, § 192-34-025, filed 3/21/94, effective 5/2/94.]