

**WAC 296-27-01105 Determination of new cases.** (1) The employer must consider an injury or illness to be a "new case" if:

(a) The employee has not previously experienced a recorded injury or illness of the same type that affects the same part of the body; or

(b) The employee previously experienced a recorded injury or illness of the same type that affected the same part of the body but had recovered completely (all signs and symptoms had disappeared) from the previous injury or illness, and an event or exposure in the work environment caused the signs or symptoms to reappear.

(2) For occupational illnesses where the signs or symptoms may recur or continue in the absence of an exposure in the workplace, the case must only be recorded once. Examples may include occupational cancer, asbestosis, byssinosis and silicosis.

(3) When an employee experiences the signs or symptoms of an injury or illness as a result of an event or exposure in the workplace, such as an episode of occupational asthma, the employer must treat the episode (even if the episode is a recurrence) as a new case.

(4) The employer is not required to seek the advice of a physician or other licensed health care professional. However, if the employer does seek such advice, they must follow the physician's or other licensed health care professional's recommendation about whether the case is a new case or a recurrence. If the employer receives recommendations from two or more physicians or other licensed health care professionals, the employer must make a decision as to which recommendation is the most authoritative (best documented, best reasoned, or most authoritative), and record the case based upon that recommendation.

[Statutory Authority: RCW 49.17.010, 49.17.040, and 49.17.050. WSR 19-17-068, § 296-27-01105, filed 8/20/19, effective 1/1/20; WSR 15-11-066, § 296-27-01105, filed 5/19/15, effective 7/1/15; WSR 02-01-064, § 296-27-01105, filed 12/14/01, effective 1/1/02.]