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HOUSE BILL 1282

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State of Washington

52nd Legislature

1991 Regular Session

By Representatives R. King, Cole, Prentice, O'Brien, Hargrove, Ludwig, Jones, Leonard, Riley and Dellwo.

Read first time January 25, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to reopening of industrial insurance claims; and  
2 amending RCW 51.32.160.

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

4 **Sec. 1.** RCW 51.32.160 and 1988 c 161 s 11 are each amended to read  
5 as follows:

6 (1) If aggravation, diminution, or termination of disability takes  
7 place, the director may, upon the application of the beneficiary, made  
8 within seven years from the date the first closing order becomes final,  
9 or at any time upon his or her own motion, readjust the rate of  
10 compensation in accordance with the rules in this section provided for  
11 the same, or in a proper case terminate the payment(~~(:—PROVIDED,~~  
12 ~~That)~~). However, the director may, upon application of the worker made  
13 at any time, provide proper and necessary medical and surgical services  
14 as authorized under RCW 51.36.010. (~~("Closing order" as used in this~~  
15 ~~section means an order based on factors which include medical~~

1 ~~recommendation, advice, or examination.~~) First closing orders issued  
2 between July 1, 1981, and July 1, 1985, shall, for the purposes of this  
3 section only, be deemed issued on July 1, 1985.

4 (2) Applications for benefits where the claim has been closed  
5 without medical recommendation, advice, or examination are not subject  
6 to the seven year limitation of this section. ((~~The preceding~~  
7 ~~sentence~~)) This subsection shall not apply to any closing order issued  
8 prior to July 1, 1981. ((~~First closing orders issued between July 1,~~  
9 ~~1981, and July 1, 1985, shall, for the purposes of this section only,~~  
10 ~~be deemed issued on July 1, 1985.~~))

11 (3) The time limitation of this section shall be ten years in  
12 claims involving loss of vision or function of the eyes.

13 (4) If an order denying an application to reopen filed on or after  
14 July 1, 1988, is not issued within ninety days of receipt of such  
15 application by the self-insured employer or the department, such  
16 application shall be deemed granted. However, for good cause, the  
17 department may extend the time for making the final determination on  
18 the application for an additional sixty days.

19 (5) If temporary disability compensation is payable to the injured  
20 worker under an order granting an application to reopen the worker's  
21 claim, payment shall be based on the worker's wage at the time the  
22 order is granted or the worker's wage at the time of injury, whichever  
23 is greater, and shall be computed under the schedule of payments in  
24 effect at the time the order is granted or at the time of injury,  
25 whichever is higher.

26 (6) If a worker receiving a pension for total disability returns to  
27 gainful employment for wages, the director may suspend or terminate the  
28 rate of compensation established for the disability without producing  
29 medical evidence that shows that a diminution of the disability has  
30 occurred.

1        (7) No act done or ordered to be done by the director, or the  
2 department prior to the signing and filing in the matter of a written  
3 order for such readjustment shall be grounds for such readjustment.

4        (8) "Closing order" as used in this section means an order based on  
5 factors which include medical recommendation, advice, or examination.