
HOUSE BILL 1911

State of Washington 54th Legislature 1995 Regular Session

By Representatives Lisk, Goldsmith, Hargrove and Cairnes

Read first time 02/14/95. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to expanding authority for retrospective rating
2 plans; and adding a new section to chapter 51.16 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.16 RCW
5 to read as follows:

6 (1) The department shall offer a retrospective rating plan to
7 qualified employers and groups of employers. The plan shall be
8 available on a voluntary basis for the period of one coverage period
9 and may be renewed at the end of the year. The retrospective rating
10 plan shall be consistent with recognized insurance principles and shall
11 be administered according to rules, scales, tables, formulas,
12 schedules, and factors adopted by the department. Rules adopted under
13 this section shall encourage the broadest possible participation by
14 employers and groups consistent with insurance principles.

15 (2) In addition to those general powers and rights deemed
16 appropriate by the department, retrospective rating plan employers and
17 groups who administer their plans with a qualified case manager shall
18 have the authority to assist the department in the processing of claims
19 after January 1, 1996. The authority shall include implementation of

1 administrative functions that are necessary to the timely management of
2 a claim. The department shall adopt rules detailing such authority,
3 which shall be comprehensive and include, but not be limited to, the
4 following:

5 (a) Authorization to schedule medical exams, provided that only
6 qualified persons from the department list may be selected. The
7 department shall strictly enforce penalties under RCW 51.32.100 for
8 refusals to submit to medical examinations scheduled by such employers
9 or groups, obstruction of the same, or other prohibited actions set out
10 in that section.

11 (b) Authorization to initiate any rehabilitation services and
12 select providers from the department list of qualified persons. The
13 limitation on the expenditure of three thousand dollars in any fifty-
14 two week period established in RCW 51.32.095 shall not apply to the
15 provision of vocational rehabilitation approved by a retrospective
16 rating plan employer or group, and the supervisor of industrial
17 insurance may at any time, in the supervisor's sole discretion,
18 authorize the expenditure of a sum not to exceed six thousand dollars,
19 exclusive of child care and travel, for the costs of vocational
20 rehabilitation, including on-the-job training. At the request of the
21 retrospective rating plan employer or group, the supervisor may also
22 waive normal department timelines in order to facilitate prompt
23 intervention. If both the employer or group and the claimant sign an
24 agreement, vocational services may include job placement services,
25 skill enhancement services, or other accepted services.

26 (3) Retrospective rating plan employers and groups who administer
27 their plans with a qualified case manager shall have the authority to
28 close minor claims. If a claim accepted by the department after
29 January 1, 1996, (a) involves only medical treatment and the payment of
30 temporary disability compensation under RCW 51.32.090, or only the
31 payment of temporary disability compensation under RCW 51.32.090, (b)
32 at the time medical treatment is concluded, does not involve permanent
33 disability, (c) is one with respect to which the department has not
34 intervened under subsection (4) of this section, and (d) concerns an
35 injured worker who has returned to work with the retrospective rating
36 plan employer or group at the worker's previous job or at a job that
37 has comparable wages and benefits, the claim may be closed by the
38 retrospective rating plan employer or group, subject to reporting of

1 claims to the department in a manner prescribed by department rules
2 adopted under chapter 34.05 RCW.

3 (4) If a dispute arises from the handling of any claim under this
4 section before the condition of the injured worker becomes fixed, the
5 injured worker, or retrospective rating plan employer or group, may
6 request the department to intervene and assume all responsibilities for
7 the claim and its processing.

8 (5) Exercise of any authority authorized by this section may
9 require prior notification to the department, but rules adopted under
10 this section shall minimize the department's need to respond and ensure
11 that a failure to respond or delay in response by the department does
12 not impede the timely administration of the claim. Reasonable charges
13 incurred by the retrospective rating plan employer or group in the
14 exercise of authority authorized by this section, other than management
15 costs, shall continue to be charged against the claim.

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