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**SUBSTITUTE SENATE BILL 5128**

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**State of Washington****57th Legislature****2001 Regular Session**

**By** Senate Committee on Labor, Commerce & Financial Institutions  
(originally sponsored by Senator Swecker)

READ FIRST TIME 02/21/01.

1       AN ACT Relating to prescription medications for industrial  
2 injuries; and amending RCW 51.36.010.

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

4       **Sec. 1.** RCW 51.36.010 and 1986 c 58 s 6 are each amended to read  
5 as follows:

6       Upon the occurrence of any injury to a worker entitled to  
7 compensation under the provisions of this title, he or she shall  
8 receive proper and necessary medical and surgical services at the hands  
9 of a physician of his or her own choice, if conveniently located, and  
10 proper and necessary hospital care and services during the period of  
11 his or her disability from such injury, but the same shall be limited  
12 in point of duration as follows:

13       In the case of permanent partial disability, not to extend beyond  
14 the date when compensation shall be awarded him or her, except when the  
15 worker returned to work before permanent partial disability award is  
16 made, in such case not to extend beyond the time when monthly  
17 allowances to him or her shall cease; in case of temporary disability  
18 not to extend beyond the time when monthly allowances to him or her  
19 shall cease: PROVIDED, That after any injured worker has returned to

1 his or her work his or her medical and surgical treatment may be  
2 continued if, and so long as, such continuation is deemed necessary by  
3 the supervisor of industrial insurance to be necessary to his or her  
4 more complete recovery; in case of a permanent total disability not to  
5 extend beyond the date on which a lump sum settlement is made with him  
6 or her or he or she is placed upon the permanent pension roll:  
7 PROVIDED, HOWEVER, That the supervisor of industrial insurance, solely  
8 in his or her discretion, may authorize continued medical and surgical  
9 treatment for conditions previously accepted by the department when  
10 such medical and surgical treatment is deemed necessary by the  
11 supervisor of industrial insurance to protect such worker's life or  
12 provide for the administration of medical and therapeutic measures  
13 including payment of prescription medications((, but not including  
14 those controlled substances currently scheduled by the state board of  
15 pharmacy as Schedule I, II, III, or IV substances under chapter 69.50  
16 RCW,)) which are necessary to alleviate continuing pain which results  
17 from the industrial injury including opiate medications currently  
scheduled by the state board of pharmacy as Schedule II, III, or IV  
substances under chapter 69.50 RCW, but not including any other  
controlled substances from Schedule I, II, III, or IV. In order to  
21 authorize such continued treatment the written order of the supervisor  
22 of industrial insurance issued in advance of the continuation shall be  
23 necessary.

24 The supervisor of industrial insurance, the supervisor's designee,  
25 or a self-insurer, in his or her sole discretion, may authorize  
26 inoculation or other immunological treatment in cases in which a work-  
27 related activity has resulted in probable exposure of the worker to a  
28 potential infectious occupational disease. Authorization of such  
29 treatment does not bind the department or self-insurer in any  
30 adjudication of a claim by the same worker or the worker's beneficiary  
31 for an occupational disease.

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