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**Commerce & Labor Committee**

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**HB 2185**

**Brief Description:** Establishing residence modifications standards.

**Sponsors:** Representatives Newhouse, Conway and Condotta.

**Brief Summary of Bill**

- Requires the Department of Labor and Industries to adopt rules establishing standards for residence modification of catastrophically injured workers, and giving substantial weight to the worker's attending provider when determining what modifications are needed.

**Hearing Date:** 3/2/05

**Staff:** Chris Cordes (786-7103).

**Background:**

Industrial insurance is a no-fault state workers' compensation program that provides medical and partial wage replacement benefits to covered workers who are injured on the job or who develop an occupational disease. If a worker sustains a catastrophic injury, the Department of Labor and Industries (Department) is authorized to pay, or to order a self-insured employer to pay, as applicable, up to a statutory maximum for residence modification when modifications are reasonable and necessary to meet the needs of the worker. The maximum amount of the payment is the amount of the state's average annual wage, which is \$38,794 beginning July 1, 2004.

Under Department policy, residence modifications are reasonable and necessary if all of the following are met:

- The modification is necessary to meet the worker's needs for safety, mobility, and activities of daily living.
- The contractor's proposed plan will satisfy the necessary modification.
- The home is structurally sound.

Necessary modifications may include, but are not limited to:

- structures, such as walkways and driveways;
- equipment, such as door knobs, toilet seats, or grab bars; and
- air conditioners or purifiers, where medically necessary.

Appliances are not considered residence modifications.

**Summary of Bill:**

Within six months after the bill's effective date, the Director of the Department of Labor and Industries must adopt rules to establish standards for residence modification for catastrophically injured workers under the Industrial Insurance Act. The rules must:

- use as guidelines the standards on adaptive residential housing adopted by the federal Department of Veterans Affairs; and
- in determining the injured worker's needs, or whether a modification is medically necessary, give substantial weight to the opinion of the worker's attending health services provider.

In developing the rules, the Director must consult with other persons interested in improving standards for adaptive housing.

By December 1, 2005, the Director must report to the appropriate committees of the Legislature on the rules adopted under these provisions.

**Appropriation:** None.

**Fiscal Note:** Requested on March 1, 2005.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.