S-4328.3

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**SUBSTITUTE SENATE BILL 6226**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senators Keiser, Conway, Cleveland, Kuderer, and Saldaña)

AN ACT Relating to improving health outcomes for injured workers by facilitating better access to medical records and telemedicine; and amending RCW 51.36.070.

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

**Sec.**  RCW 51.36.070 and 2001 c 152 s 2 are each amended to read as follows:

(1) Whenever the director or the self-insurer deems it necessary in order to resolve any medical issue, a worker shall submit to examination by a physician or physicians selected by the director, with the rendition of a report to the person ordering the examination. The department or self-insurer shall provide the physician performing an examination with all relevant medical records from the worker's claim file. The director, in his or her discretion, may charge the cost of such examination or examinations to the self-insurer or to the medical aid fund as the case may be. The cost of said examination shall include payment to the worker of reasonable expenses connected therewith.

(2) The self-insured employer shall ensure that all relevant medical records of the injured worker scheduled for an independent medical exam are provided as electronic medical records to the independent medical exam physician or physicians, and, if electronic medical records are not possible, paper records must be delivered to the independent medical exam physician or physicians at least ten business days prior to the scheduled exam. If the independent medical exam is scheduled to occur before ten business days or if a medical record only becomes available to the employer during the ten business days, then the paper records must be delivered to the independent medical exam physician as soon as possible before the exam occurs.

(3) The director shall develop access to telemedicine for independent medical exams and reimburse independent medical exam physicians for services in a manner that is similar to the policies developed for commercial health insurance plans under RCW 48.43.735 and medicaid managed care plans under RCW 74.09.325. An independent medical exam may be conducted with the use of telemedicine with the consent of the worker. For the first five years following the effective date of this section, any independent medical exam using telemedicine must be conducted in Washington state by a Washington state licensed medical provider. The department must consult with interested parties in any rule making related to telemedicine for independent medical exams.

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