

SENATE BILL REPORT

SB 5329

AS REPORTED BY COMMITTEE ON COMMERCE & LABOR, MARCH 6, 1991

Brief Description: Revising provisions for self-insured employers' claims reopenings.

SPONSORS: Senators Anderson, Owen, Matson and McCaslin.

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: That Substitute Senate Bill No. 5329 be substituted therefor, and the substitute bill do pass.

Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, and McDonald.

Staff: Dave Cheal (786-7576)

Hearing Dates: February 18, 1991; March 6, 1991

BACKGROUND:

If an injured worker whose industrial insurance claim has been closed experiences an aggravation of the injury upon which the closed claim was based, he or she may apply to the Director of the Department of Labor and Industries for a reopening of the claim. The request for reopening must occur within seven years after the first closing order becomes final.

If the application is not denied within 90 days after it is received by the self-insured employer or the department, the application shall be deemed granted, except that the department may extend the time for acting on the application for an additional 60 days.

SUMMARY:

Self-insured employers are given the authority to reopen claims and adjust the rate of compensation.

Self-insurers are given the authority to extend the time for final reopening determinations an additional 60 days. The department currently has that authority.

EFFECT OF PROPOSED SUBSTITUTE:

The application of the bill to petitions for reopening based on aggravation only is clarified. The discretion to readjust the rate of compensation is clearly limited to the director of the Department of Labor and Industries, and is not given to self-insurers.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Self-insurers are as qualified to make this decision as the department, and in many cases can do the job quicker, which benefits the injured worker.

TESTIMONY AGAINST:

This decision should be made by a neutral party such as the department, not someone with a direct financial interest such as the self-insurer. The bill is not clear as to its reach and application.

TESTIFIED: Robert Dilger, Washington Building Trades Council (con); Wayne Williams, Washington Self-Insurers Association (pro); Jeff Johnson, WSLC (con); Bill Hochberg, Dennis Martin, Washington State Trial Lawyers Association (con); Clif Finch, Carpenters' District Council (con)