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HOUSE BILL 1333

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State of Washington

52nd Legislature

1991 Regular Session

By Representatives Hargrove, Heavey, Phillips, Jones, R. Meyers, Wineberry, Padden and Fuhrman.

Read first time January 25, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to industrial insurance appeals; and amending RCW  
2 51.52.060.

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

4 **Sec. 1.** RCW 51.52.060 and 1986 c 200 s 11 are each amended to read  
5 as follows:

6 (1)(a) Any worker, beneficiary, employer, or other person aggrieved  
7 by an order, decision, or award of the department (~~(must)~~) shall,  
8 before he or she appeals to the courts, file with the board and the  
9 director, by mail or personally, within sixty days from the day on  
10 which such copy of such order, decision, or award was communicated to  
11 such person, a notice of appeal to the board(~~(:—PROVIDED, That)~~).  
12 However, a health services provider or other person aggrieved by a  
13 department order or decision making demand, whether with or without  
14 penalty, for repayment of sums paid to a provider of medical, dental,  
15 vocational, or other health services rendered to an industrially

1 injured worker ~~((must))~~ shall, before he or she appeals to the courts,  
2 file with the board and the director, by mail or personally, within  
3 twenty days from the day on which ~~((such))~~ a copy of ~~((such))~~ the order  
4 or decision was communicated to the health services provider upon whom  
5 the department order or decision was served, a notice of appeal to the  
6 board.

7 (b) Failure to file notice of appeal with both the board and the  
8 department shall not be grounds for denying the appeal if the notice of  
9 appeal is filed with either the board or the department.

10 (2) Within ten days of the date on which an appeal has been granted  
11 by the board, the board shall notify the other interested parties  
12 ~~((thereto))~~ to the appeal of the receipt ~~((thereof))~~ of the appeal and  
13 shall forward a copy of ~~((said))~~ the notice of appeal to ~~((such))~~ the  
14 other interested parties. Within twenty days of the receipt of such  
15 notice of the board, the worker or the employer may file with the board  
16 a cross-appeal from the order of the department from which the original  
17 appeal was taken(~~:- PROVIDED, That nothing contained in this section~~  
18 ~~shall be deemed to change, alter or modify the practice or procedure of~~  
19 ~~the department for the payment of awards pending appeal: AND PROVIDED,~~  
20 ~~That failure to file notice of appeal with both the board and the~~  
21 ~~department shall not be ground for denying the appeal if the notice of~~  
22 ~~appeal is filed with either the board or the department: AND PROVIDED,~~  
23 ~~That,~~)).

24 (3) If within the time limited for filing a notice of appeal to the  
25 board from an order, decision, or award of the department, the  
26 department ~~((shall))~~ directs the submission of further evidence or the  
27 investigation of any further fact, the time for filing such notice of  
28 appeal shall not commence to run until such person shall have been  
29 advised in writing of the final decision of the department in the  
30 matter(~~:- PROVIDED, FURTHER, That~~)). In the event the department

1 ((shall)) directs the submission of further evidence or the  
2 investigation of any further fact, as ((above)) provided in this  
3 section, the department shall render a final order, decision, or award  
4 within ninety days from the date such further submission of evidence or  
5 investigation of further fact is ordered which time period may be  
6 extended by the department for good cause stated in writing to all  
7 interested parties for an additional ninety days(~~(: PROVIDED, FURTHER,~~  
8 ~~That))~~).

9 (4) The department, either within the time limited for appeal, or  
10 within thirty days after receiving a notice of appeal, may:

11 (a) Modify, reverse or change any order, decision, or award(~~(7))~~;  
12 or ((may))

13 (b) Hold any such order, decision, or award in abeyance for a  
14 period of ninety days which time period may be extended by the  
15 department for good cause stated in writing to all interested parties  
16 for an additional ninety days pending further investigation in light of  
17 the allegations of the notice of appeal(~~(7 and))~~). However, in the case  
18 of an appeal by a worker, this subsection (4)(b) shall apply only if  
19 the department obtains prior written consent of the worker.

20 (c) If the department takes action under (a) or (b) of this  
21 subsection, the board shall thereupon deny the appeal, without  
22 prejudice to the appellant's right to appeal from any subsequent  
23 determinative order issued by the department.

24 (5) Nothing contained in this section shall be deemed to change,  
25 alter, or modify the practice or procedure of the department for the  
26 payment of awards pending appeal.