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HOUSE CONCURRENT RESOLUTION 4411

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State of Washington

52nd Legislature

1991 Regular Session

By Representatives Cole, R. King, Nelson, Heavey, Franklin, Jacobsen, Prentice, Fuhrman, Brekke, O'Brien, Zellinsky, Valle, Ballard, Lisk, R. Fisher, Jones, Vance, Orr and Anderson.

Read first time February 21, 1991. Referred to Committee on Commerce & Labor.

1 WHEREAS, Vocational rehabilitation of injured workers is limited to  
2 the low standard of minimum wage jobs for finding gainful employment  
3 which is not a meaningful standard for restoring the economic status of  
4 injured workers; and

5 WHEREAS, There is no meaningful judicial oversight of vocational  
6 rehabilitation issues, in part because the Department of Labor and  
7 Industries has sole discretion to offer services; and

8 WHEREAS, The department has increased spending on vocational  
9 rehabilitation services, but uses only a fraction of the counselors  
10 that were offering services in 1985; and

11 WHEREAS, There is concern that the number of families receiving  
12 welfare benefits has increased since the repeal of mandatory vocational  
13 rehabilitation; and

14 WHEREAS, Very few injured workers receive job placement assistance  
15 and a significant number of injured workers remain on temporary  
16 disability compensation for extended periods of time; and

1       WHEREAS, These injured workers may find it extremely difficult to  
2 reenter the labor market and return to fully productive lives; and

3       WHEREAS, Any savings that may be identified in the program has come  
4 at great cost to injured workers; and

5       WHEREAS, There is a lack of consistency in handling claims between  
6 sections in the department, and because the object of the industrial  
7 insurance system is both to compensate workers for the economic  
8 hardship suffered while recovering from an industrial injury and to  
9 assist workers in returning to employment, these objectives may best be  
10 reached with effective and comprehensive claims management that  
11 promptly provides benefits and promptly determines the injured worker's  
12 ultimate claims status; and

13       WHEREAS, More information is needed about the rate of reinjury of  
14 injured workers who return to work and the impact of reinjury on  
15 employers' rates; and

16       WHEREAS, The number of total permanent disability pensions  
17 continues to increase; and

18       WHEREAS, The cost containment program has increased the paperwork  
19 for providers and has encouraged claims managers to interfere with the  
20 provider's medical practice, resulting in providers refusing service to  
21 injured workers; and

22       WHEREAS, Legislators receive a high number of complaints about  
23 industrial insurance issues; and

24       WHEREAS, There is a perceived need for an independent ombudsperson  
25 for injured workers and for employers; and

26       WHEREAS, There have been suggestions that employers are firing  
27 employees for filing industrial insurance claims; and

28       WHEREAS, The use of panel examinations should be reexamined in  
29 light of recent court cases giving special weight to the opinion of the  
30 attending physician; and

1           WHEREAS, The number of appeals to the Board of Industrial Insurance  
2 Appeals has increased significantly since 1985; and

3           WHEREAS, These concerns suggest that rates may be negatively  
4 impacted unless further steps are taken to reform the industrial  
5 insurance system;

6           NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of  
7 the state of Washington, the Senate concurring, That a task force on  
8 workers' compensation be established to review the state's industrial  
9 insurance system as administered by the Department of Labor and  
10 Industries and make recommendations for its improvement; and

11           BE IT FURTHER RESOLVED, That the task force consist of up to  
12 twenty-five voting members, as follows:

13           (1) Three members from each caucus of the Senate, appointed by the  
14 President of the Senate; at least one member from each caucus shall be  
15 a member of the Senate Commerce and Labor committee;

16           (2) Three members from each caucus of the House of Representatives,  
17 appointed by the Speaker of the House of Representatives; at least one  
18 member from each caucus shall be a member of the House of  
19 Representatives Commerce and Labor committee;

20           (3) Up to thirteen members appointed jointly by the President of  
21 the Senate and the Speaker of the House of Representatives to include  
22 geographical representation and to fairly represent the following:  
23 Injured workers; business including self-insurers; the medical  
24 profession; facilities providing vocational rehabilitation services;  
25 the legal profession; agriculture; labor; the private insurance  
26 industry; self-insured public employers; and the vocational  
27 rehabilitation profession; and

28           BE IT FURTHER RESOLVED, That the task force members shall select  
29 one nonvoting member to be its chair. The chair shall not represent  
30 any group represented on the task force and shall not be a member of

1 the legislature or a state agency employee. The task force shall  
2 select its vice-chair from among its membership; and

3 BE IT FURTHER RESOLVED, That the Department of Labor and Industries  
4 shall cooperate with the task force, providing information and  
5 technical assistance, as is reasonably required by the chair; and

6 BE IT FURTHER RESOLVED, That the task force, where feasible, may  
7 consult with individuals from the public and private sector or ask such  
8 persons to establish an advisory committee; and

9 BE IT FURTHER RESOLVED, That the task force shall use legislative  
10 staff and facilities, but may hire additional staff with specific  
11 technical expertise if such expertise is necessary to carry out the  
12 mandates of this resolution. All expenses of the task force, including  
13 travel, shall be paid jointly by the Senate and the House of  
14 Representatives. All expenses and hiring of additional staff shall be  
15 subject to the approval of the House of Representatives Executive Rules  
16 Committee and the Senate Facilities and Operations Committee as  
17 required by Joint Rule 26; and

18 BE IT FURTHER RESOLVED, That the task force may receive such gifts,  
19 grants, and endowments as may be made from time to time, in trust or  
20 otherwise, for the use and benefit of the purpose of the task force and  
21 expend the same or any income therefrom according to the terms of the  
22 gifts, grants, or endowments; and

23 BE IT FURTHER RESOLVED, That the task force report its findings and  
24 recommendations to the legislature by December 1, 1991; and

25 BE IT FURTHER RESOLVED, That the task force shall expire July 1,  
26 1993.