

SENATE BILL 5329

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State of Washington

52nd Legislature

1991 Regular Session

By Senators Anderson, Owen, Matson and McCaslin.

Read first time January 28, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to self-insured employers' claims reopenings; and  
2 amending RCW 51.32.160.

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

4 **Sec. 1.** RCW 51.32.160 and 1988 c 161 s 11 are each amended to read  
5 as follows:

6 If aggravation, diminution, or termination of disability takes  
7 place, the director or, in appropriate cases of aggravation, the self-  
8 insured employer may, upon the application of the beneficiary, made  
9 within seven years from the date the first closing order becomes final,  
10 or at any time upon his or her own motion, readjust the rate of  
11 compensation in accordance with the rules in this section provided for  
12 the same, or in a proper case terminate the payment: PROVIDED, That  
13 the director may, upon application of the worker made at any time,  
14 provide proper and necessary medical and surgical services as  
15 authorized under RCW 51.36.010. "Closing order" as used in this

1 section means an order based on factors which include medical  
2 recommendation, advice, or examination. Applications for benefits  
3 where the claim has been closed without medical recommendation, advice,  
4 or examination are not subject to the seven year limitation of this  
5 section. The preceding sentence shall not apply to any closing order  
6 issued prior to July 1, 1981. First closing orders issued between July  
7 1, 1981, and July 1, 1985, shall, for the purposes of this section  
8 only, be deemed issued on July 1, 1985. The time limitation of this  
9 section shall be ten years in claims involving loss of vision or  
10 function of the eyes. If an order denying an application to reopen  
11 filed on or after July 1, 1988, is not issued within ninety days of  
12 receipt of such application by the self-insured employer or the  
13 department, such application shall be deemed granted. However, for  
14 good cause, the department or self-insured employer may extend the time  
15 for making the final determination on the application for an additional  
16 sixty days.

17 If a worker receiving a pension for total disability returns to  
18 gainful employment for wages, the director may suspend or terminate the  
19 rate of compensation established for the disability without producing  
20 medical evidence that shows that a diminution of the disability has  
21 occurred.

22 No act done or ordered to be done by the director, or the  
23 department prior to the signing and filing in the matter of a written  
24 order for such readjustment shall be grounds for such readjustment.

25 In cases of aggravation accepted by self-insured employers, the  
26 administration of the reopened claims shall continue to be in  
27 accordance with RCW 51.32.090.