
HOUSE BILL 2770

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Lisk, Chandler and Horn

Read first time 01/24/94. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to disqualification from industrial insurance
2 compensation for worker's intoxication or controlled substance use; and
3 amending RCW 51.32.020 and 51.32.110.

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

5 **Sec. 1.** RCW 51.32.020 and 1977 ex.s. c 350 s 39 are each amended
6 to read as follows:

7 If injury or death results to a worker from the deliberate
8 intention of the worker himself or herself to produce such injury or
9 death, from the worker's intoxication or use of a controlled substance
10 defined in the Uniform Controlled Substances Act, chapter 69.50 RCW, or
11 while the worker is engaged in the attempt to commit, or the commission
12 of, a felony, neither the worker nor the widow, widower, child, or
13 dependent of the worker shall receive any payment under this title. If
14 the worker had 0.10 percent or more by weight of alcohol in the blood
15 or if the worker had positive confirmation of a controlled substance,
16 it must be presumed that the injury was caused by the intoxication of
17 alcohol or by the influence of the controlled substance.

18 An invalid child, while being supported and cared for in a state
19 institution, shall not receive compensation under this chapter.

1 No payment shall be made to or for a natural child of a deceased
2 worker and, at the same time, as the stepchild of a deceased worker.

3 **Sec. 2.** RCW 51.32.110 and 1993 c 375 s 1 are each amended to read
4 as follows:

5 (1) Any worker entitled to receive any benefits or claiming such
6 under this title or who was involved in an injury at work shall, if
7 requested by the department or self-insurer, submit himself or herself
8 for medical examination, at a time and from time to time, at a place
9 reasonably convenient for the worker and as may be provided by the
10 rules of the department. If requested by the employer, the physical
11 examination shall include the taking of blood or urine samples, or
12 both, to determine whether the employee, at the time of the injury, was
13 under the influence of alcohol or any controlled substance as defined
14 in the Uniform Controlled Substances Act, chapter 69.50 RCW.

15 (2) If the worker refuses to submit to medical examination, or
16 obstructs the same, or, if any injured worker shall persist in
17 unsanitary or injurious practices which tend to imperil or retard his
18 or her recovery, or shall refuse to submit to such medical or surgical
19 treatment as is reasonably essential to his or her recovery or refuse
20 or obstruct evaluation or examination for the purpose of vocational
21 rehabilitation or does not cooperate in reasonable efforts at such
22 rehabilitation, the department or the self-insurer upon approval by the
23 department, with notice to the worker may suspend any further action on
24 any claim of such worker so long as such refusal, obstruction,
25 noncooperation, or practice continues and reduce, suspend, or deny any
26 compensation for such period: PROVIDED, That the department or the
27 self-insurer shall not suspend any further action on any claim of a
28 worker or reduce, suspend, or deny any compensation if a worker has
29 good cause for refusing to submit to or to obstruct any examination,
30 evaluation, treatment or practice requested by the department or
31 required under this section.

32 (3) If the worker necessarily incurs traveling expenses in
33 attending the examination pursuant to the request of the department,
34 such traveling expenses shall be repaid to him or her out of the
35 accident fund upon proper voucher and audit or shall be repaid by the
36 self-insurer, as the case may be.

37 (4)(a) If the medical examination required by this section causes
38 the worker to be absent from his or her work without pay:

1 (i) In the case of a worker insured by the department, the worker
2 shall be paid compensation out of the accident fund in an amount equal
3 to his or her usual wages for the time lost from work while attending
4 the medical examination; or

5 (ii) In the case of a worker of a self-insurer, the self-insurer
6 shall pay the worker an amount equal to his or her usual wages for the
7 time lost from work while attending the medical examination.

8 (b) This subsection (4) shall apply prospectively to all claims
9 regardless of the date of injury.

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