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SENATE BILL 5586

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Franklin, Winsley, Skratek, Prentice, McAuliffe, Fraser, Quigley, Niemi, Drew and Pelz

Read first time 02/04/93. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to payments for time lost from work while attending  
2 a medical examination for industrial insurance; and amending RCW  
3 51.32.110.

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

5 **Sec. 1.** RCW 51.32.110 and 1980 c 14 s 11 are each amended to read  
6 as follows:

7 (1) Any worker entitled to receive any benefits or claiming such  
8 under this title shall, if requested by the department or self-insurer,  
9 submit himself or herself for medical examination, at a time and from  
10 time to time, at a place reasonably convenient for the worker and as  
11 may be provided by the rules of the department.

12 (2) If the worker refuses to submit to medical examination, or  
13 obstructs the same, or, if any injured worker shall persist in  
14 unsanitary or injurious practices which tend to imperil or retard his  
15 or her recovery, or shall refuse to submit to such medical or surgical  
16 treatment as is reasonably essential to his or her recovery or refuse  
17 or obstruct evaluation or examination for the purpose of vocational  
18 rehabilitation or does not cooperate in reasonable efforts at such  
19 rehabilitation, the department or the self-insurer upon approval by the

1 department, with notice to the worker may suspend any further action on  
2 any claim of such worker so long as such refusal, obstruction,  
3 noncooperation, or practice continues and reduce, suspend, or deny any  
4 compensation for such period: PROVIDED, That the department or the  
5 self-insurer shall not suspend any further action on any claim of a  
6 worker or reduce, suspend, or deny any compensation if a worker has  
7 good cause for refusing to submit to or to obstruct any examination,  
8 evaluation, treatment or practice requested by the department or  
9 required under this section.

10 (3) If the worker necessarily incurs traveling expenses in  
11 attending ~~((for))~~ the examination pursuant to the request of the  
12 department, such traveling expenses shall be repaid to him or her out  
13 of the accident fund upon proper voucher and audit or shall be repaid  
14 by the self-insurer, as the case may be.

15 (4)(a) If the medical examination required by this section causes  
16 the worker to be absent from his or her work without pay ~~((he or she  
17 shall be paid for such time lost in accordance with the schedule of  
18 payments provided in RCW 51.32.090 as amended))~~):

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

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

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

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