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HOUSE BILL 1679

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State of Washington                      56th Legislature                      1999 Regular Session

By Representatives Conway, Hurst and McIntire

Read first time 02/02/1999. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to reopening workers' compensation claims; amending  
2 RCW 51.32.160; creating a new section; and declaring an emergency.

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

4            **Sec. 1.** RCW 51.32.160 and 1995 c 253 s 2 are each amended to read  
5 as follows:

6            (1)(a) If aggravation, diminution, or termination of disability  
7 takes place, the director may at any time, upon the application of the  
8 beneficiary(~~(, made within seven years from the date the first closing~~  
9 ~~order becomes final, or at any time))~~ or upon ~~((his or her))~~ the  
10 director's own motion, readjust the rate of compensation in accordance  
11 with the rules in this section provided for the same, or in a proper  
12 case terminate the payment(~~(: PROVIDED, That the director may, upon~~  
13 ~~application of the worker made at any time,))~~ or provide proper and  
14 necessary medical and surgical services as authorized under RCW  
15 51.36.010. The department shall promptly mail a copy of the  
16 application to the employer at the employer's last known address as  
17 shown by the records of the department.

1       (b) (~~"Closing order" as used in this section means an order based~~  
2 ~~on factors which include medical recommendation, advice, or~~  
3 ~~examination.~~

4       (c) ~~Applications for benefits where the claim has been closed~~  
5 ~~without medical recommendation, advice, or examination are not subject~~  
6 ~~to the seven year limitation of this section. The preceding sentence~~  
7 ~~shall not apply to any closing order issued prior to July 1, 1981.~~  
8 ~~First closing orders issued between July 1, 1981, and July 1, 1985,~~  
9 ~~shall, for the purposes of this section only, be deemed issued on July~~  
10 ~~1, 1985. The time limitation of this section shall be ten years in~~  
11 ~~claims involving loss of vision or function of the eyes.~~

12       (d)) If an order denying an application to reopen filed on or  
13 after July 1, 1988, is not issued within ninety days of receipt of such  
14 application by the self-insured employer or the department, such  
15 application shall be deemed granted. However, for good cause, the  
16 department may extend the time for making the final determination on  
17 the application for an additional sixty days.

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

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

26       NEW SECTION.   **Sec. 2.** This act applies to all claims filed under  
27 Title 51 RCW on or after the effective date of this act and to all  
28 claims that are open, or remain subject to appeal, as of the effective  
29 date of this act, regardless of the date of injury.

30       NEW SECTION.   **Sec. 3.** This act is necessary for the immediate  
31 preservation of the public peace, health, or safety, or support of the  
32 state government and its existing public institutions, and takes effect  
33 immediately.

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