
SENATE BILL 5451

State of Washington

56th Legislature

1999 Regular Session

By Senators Swecker, Rasmussen, Winsley, Morton, Prentice, Hargrove, Zarelli, Hochstatter, Oke and Gardner

Read first time 01/22/1999. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to the injured workers' ombudsman; and adding a new
2 chapter to Title 51 RCW.

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

4 NEW SECTION. **Sec. 1.** There is created an office of industrial
5 insurance ombudsman within the office of the governor for the purpose
6 of identifying system issues and responses for the governor and the
7 legislature to act upon and monitoring and ensuring compliance with
8 relevant statutes, rules, and policies pertaining to Washington's
9 industrial insurance system. The ombudsman reports directly to the
10 governor and shall exercise his or her powers and duties independently
11 of the director.

12 NEW SECTION. **Sec. 2.** (1) The governor must appoint an ombudsman
13 who is a person of recognized judgment, independence, objectivity, and
14 integrity, and shall be qualified by training or experience, or both,
15 in industrial insurance law and policy.

16 (2) The person appointed ombudsman shall hold office for a term of
17 three years and will continue to hold office until reappointed or until
18 his or her successor is appointed. The governor may remove the

1 ombudsman only for neglect of duty, misconduct, or inability to perform
2 duties. Any vacancy shall be filled by similar appointment for the
3 remainder of the unexpired term.

4 NEW SECTION. **Sec. 3.** The ombudsman must perform the following
5 duties:

6 (1) Provide information as appropriate on the rights and
7 responsibilities of individuals receiving industrial insurance benefits
8 and on the procedures for obtaining these benefits;

9 (2) Provide information as appropriate on the rights and
10 responsibilities of employers participating in the industrial insurance
11 system;

12 (3) Investigate, upon his or her own initiative or upon receipt of
13 a complaint, an administrative act alleged to be contrary to law, rule,
14 or policy, imposed without an adequate statement of reason, or based on
15 irrelevant, immaterial, or erroneous grounds. However, the ombudsman
16 may decline to investigate any complaint as provided by rules adopted
17 under this chapter;

18 (4) Monitor the procedures as established, implemented, and
19 practiced by the department of labor and industries to carry out its
20 responsibilities in the administration of industrial insurance claims;

21 (5) Recommend changes in the procedures for addressing the needs of
22 injured workers and their employers;

23 (6) Submit annually to the legislature and to the governor by
24 November 1st a report analyzing the complaints filed with the office
25 and the results of its investigations, including recommendations for
26 legislation;

27 (7) Adopt rules necessary to implement this chapter.

28 NEW SECTION. **Sec. 4.** The ombudsman shall treat all matters under
29 investigation, including the identities of service recipients,
30 complainants, and individuals from whom information is acquired, as
31 confidential, except as far as disclosures may be necessary to enable
32 the ombudsman to perform the duties of the office and to support any
33 recommendations resulting from an investigation. Upon receipt of
34 information that by law is confidential or privileged, the ombudsman
35 shall maintain the confidentiality of such information and shall not
36 further disclose or disseminate the information except as provided by
37 applicable state or federal law. Investigative records of the office

1 of the ombudsman are confidential and are exempt from public disclosure
2 under chapter 42.17 RCW.

3 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute
4 a new chapter in Title 51 RCW.

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