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**SUBSTITUTE SENATE BILL 5581**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on Labor & Workforce Development (originally sponsored by Senators Franklin, Roach, Fairley, Thibaudeau, Prentice and Kohl-Welles)

Read first time 03/03/1999.

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(~~(7)~~):

8 (i) Upon the application of the beneficiary, made within seven  
9 years from the date the first closing order becomes final, or at any  
10 time upon (~~his or her~~) the director's own motion, readjust the rate  
11 of compensation in accordance with the rules in this section provided  
12 for the same, or in a proper case terminate the payment(~~(:—PROVIDED,~~  
13 That the director may~~7~~)):

14 (ii) For claims filed after January 1, 1999, upon the application  
15 of the beneficiary, or at any time upon the beneficiary's own motion,  
16 readjust the rate of compensation in accordance with the rules in this  
17 section provided for the same, or in a proper case terminate the  
18 payment:

1        (iii) Upon application of the worker made at any time, provide  
2 proper and necessary medical and surgical services as authorized under  
3 RCW 51.36.010.

4        (b) The department shall promptly mail a copy of the application to  
5 the employer at the employer's last known address as shown by the  
6 records of the department.

7        ~~((b))~~ (c) "Closing order" as used in this section means an order  
8 based on factors which include medical recommendation, advice, or  
9 examination.

10       ~~((e))~~ (d) Applications for benefits where the claim has been  
11 closed without medical recommendation, advice, or examination are not  
12 subject to the seven year limitation of this section. The preceding  
13 sentence shall not apply to any closing order issued prior to July 1,  
14 1981. First closing orders issued between July 1, 1981, and July 1,  
15 1985, shall, for the purposes of this section only, be deemed issued on  
16 July 1, 1985. The time limitation of this section shall be ten years  
17 in claims involving loss of vision or function of the eyes.

18       ~~((d))~~ (e) If an order denying an application to reopen filed on  
19 or after July 1, 1988, is not issued within ninety days of receipt of  
20 such application by the self-insured employer or the department, such  
21 application shall be deemed granted. However, for good cause, the  
22 department may extend the time for making the final determination on  
23 the application for an additional sixty days.

24       (2) If a worker receiving a pension for total disability returns to  
25 gainful employment for wages, the director may suspend or terminate the  
26 rate of compensation established for the disability without producing  
27 medical evidence that shows that a diminution of the disability has  
28 occurred.

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

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

36       NEW SECTION.    **Sec. 3.** This act is necessary for the immediate  
37 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect  
2 immediately.

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