

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5205

Chapter 152, Laws of 2001

57th Legislature
2001 Regular Session

INDUSTRIAL INSURANCE--WORKER'S CLAIM FILE RECORDS

EFFECTIVE DATE: 7/22/01

Passed by the Senate March 14, 2001
YEAS 49 NAYS 0

ROSA FRANKLIN

President of the Senate

Passed by the House April 6, 2001
YEAS 93 NAYS 0

FRANK CHOPP

**Speaker of the House of
Representatives**

CLYDE BALLARD

**Speaker of the House of
Representatives**

Approved May 2, 2001.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5205** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK

Secretary

FILED

May 2, 2001 - 10:44 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5205

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Labor, Commerce & Financial Institutions
(originally sponsored by Senators Prentice, Winsley, Fairley and T. Sheldon)

READ FIRST TIME 02/12/01.

1 AN ACT Relating to providing information for independent medical
2 examinations; and amending RCW 51.14.120 and 51.36.070.

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

4 **Sec. 1.** RCW 51.14.120 and 1993 c 122 s 2 are each amended to read
5 as follows:

6 (1) The self-insurer shall provide, when authorized under RCW
7 51.28.070, a copy of the employee's claim file at no cost within
8 fifteen days of receipt of a request by the employee or the employee's
9 representative, and shall provide the physician performing an
10 examination with all relevant medical records from the worker's claim
11 file, but only to the extent required of the department under RCW
12 51.36.070. If the self-insured employer determines that release of the
13 claim file to an unrepresented worker in whole or in part, may not be
14 in the worker's best interests, the employer must submit a request for
15 denial with an explanation along with a copy of that portion of the
16 claim file not previously provided within twenty days after the request
17 from the worker. In the case of second or subsequent requests, a
18 reasonable charge for copying may be made. The self-insurer shall
19 provide the entire contents of the claim file unless the request is for

1 only a particular portion of the file. Any new material added to the
2 claim file after the initial request shall be provided under the same
3 terms and conditions as the initial request.

4 (2) The self-insurer shall transmit notice to the department of any
5 protest or appeal by an employee relating to the administration of an
6 industrial injury or occupational disease claim under this chapter
7 within five working days of receipt. The date that the protest or
8 appeal is received by the self-insurer shall be deemed to be the date
9 the protest is received by the department for the purpose of RCW
10 51.52.050.

11 (3) The self-insurer shall submit a medical report with the request
12 for closure of a claim under this chapter.

13 **Sec. 2.** RCW 51.36.070 and 1977 ex.s. c 350 s 60 are each amended
14 to read as follows:

15 Whenever the director or the self-insurer deems it necessary in
16 order to resolve any medical issue, a worker shall submit to
17 examination by a physician or physicians selected by the director, with
18 the rendition of a report to the person ordering the examination. The
19 department or self-insurer shall provide the physician performing an
20 examination with all relevant medical records from the worker's claim
21 file. The director, in his or her discretion, may charge the cost of
22 such examination or examinations to the self-insurer or to the medical
23 aid fund as the case may be. The cost of said examination shall
24 include payment to the worker of reasonable expenses connected
25 therewith.

Passed the Senate March 14, 2001.

Passed the House April 6, 2001.

Approved by the Governor May 2, 2001.

Filed in Office of Secretary of State May 2, 2001.