
HOUSE BILL 1628

State of Washington

58th Legislature

2003 Regular Session

By Representatives McCoy, Conway, Campbell, Wood, Berkey, Hudgins, Lovick, Cooper, Chase, Romero, Dickerson, Moeller, Schual-Berke, Santos, Kenney and Rockefeller

Read first time 02/03/2003. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to securing benefits for hearing loss; and amending
2 RCW 51.32.180 and 51.36.020.

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

4 **Sec. 1.** RCW 51.32.180 and 1988 c 161 s 5 are each amended to read
5 as follows:

6 Every worker who suffers disability from an occupational disease in
7 the course of employment under the mandatory or elective adoption
8 provisions of this title, or his or her family and dependents in case
9 of death of the worker from such disease or infection, shall receive
10 the same compensation benefits and medical, surgical and hospital care
11 and treatment as would be paid and provided for a worker injured or
12 killed in employment under this title, except as follows:

13 ~~((a))~~ (1) This section and RCW 51.16.040 shall not apply where
14 the last exposure to the hazards of the disease or infection occurred
15 prior to January 1, 1937; and

16 ~~((b))~~ (2)(a) Except as provided in (b) of this subsection, for
17 claims filed on or after July 1, 1988, the rate of compensation for
18 occupational diseases shall be established as of the date the disease

1 requires medical treatment or becomes totally or partially disabling,
2 whichever occurs first, and without regard to the date of the
3 contraction of the disease or the date of filing the claim.

4 (b) For occupationally related noise-induced hearing loss claims
5 filed on or after the effective date of this section, and such claims
6 existing on the effective date of this section if no final adjudication
7 of the rate of compensation has been made, the rate of compensation
8 shall be established as the earlier of:

9 (i) The date by which the worker received both a written
10 notification from the same physician who provided the worker notice
11 under RCW 51.28.055 that the worker has occupationally related noise-
12 induced hearing loss and the associated audiogram; or

13 (ii) The date the claim was filed.

14 **Sec. 2.** RCW 51.36.020 and 1999 c 395 s 1 are each amended to read
15 as follows:

16 (1) When the injury to any worker is so serious as to require his
17 or her being taken from the place of injury to a place of treatment,
18 his or her employer shall, at the expense of the medical aid fund, or
19 self-insurer, as the case may be, furnish transportation to the nearest
20 place of proper treatment.

21 (2) Every worker whose injury results in the loss of one or more
22 limbs or eyes shall be provided with proper artificial substitutes and
23 every worker, who suffers an injury to an eye producing an error of
24 refraction, shall be once provided proper and properly equipped lenses
25 to correct such error of refraction and his or her disability rating
26 shall be based upon the loss of sight before correction.

27 (3) Every worker whose accident results in damage to or destruction
28 of an artificial limb, eye, or tooth, shall have same repaired or
29 replaced.

30 (4) Every worker whose hearing aid or eyeglasses or lenses are
31 damaged, destroyed, or lost as a result of an industrial accident shall
32 have the same restored or replaced. The department or self-insurer
33 shall be liable only for the cost of restoring damaged hearing aids or
34 eyeglasses to their condition at the time of the accident.

35 (5)(a) All mechanical appliances necessary in the treatment of an
36 injured worker, such as braces, belts, casts, and crutches, shall be
37 provided and all mechanical appliances required as permanent equipment

1 after treatment has been completed shall continue to be provided or
2 replaced without regard to the date of injury or date treatment was
3 completed, notwithstanding any other provision of law.

4 (b) The hearing aids provided or replaced under this subsection
5 must be appropriate to the injured worker's condition. Evaluation of
6 a hearing aid's appropriateness must consider whether the worker would
7 benefit from upgrading the hearing aid in light of technologies
8 available, the efficacy of the technology, and the cost. If the
9 injured worker chooses a hearing aid that is more costly than one
10 considered appropriate after expert review, the worker is responsible
11 for the difference in cost.

12 (6) A worker, whose injury is of such short duration as to bring
13 him or her within the time limit provisions of RCW 51.32.090, shall
14 nevertheless receive during the omitted period medical, surgical, and
15 hospital care and service and transportation under the provisions of
16 this chapter.

17 (7) Whenever in the sole discretion of the supervisor it is
18 reasonable and necessary to provide residence modifications necessary
19 to meet the needs and requirements of the worker who has sustained
20 catastrophic injury, the department or self-insurer may be ordered to
21 pay an amount not to exceed the state's average annual wage for one
22 year as determined under RCW 50.04.355, as now existing or hereafter
23 amended, toward the cost of such modifications or construction. Such
24 payment shall only be made for the construction or modification of a
25 residence in which the injured worker resides. Only one residence of
26 any worker may be modified or constructed under this subsection,
27 although the supervisor may order more than one payment for any one
28 home, up to the maximum amount permitted by this section.

29 (8)(a) Whenever in the sole discretion of the supervisor it is
30 reasonable and necessary to modify a motor vehicle owned by a worker
31 who has become an amputee or becomes paralyzed because of an industrial
32 injury, the supervisor may order up to fifty percent of the state's
33 average annual wage for one year, as determined under RCW 50.04.355, to
34 be paid by the department or self-insurer toward the costs thereof.

35 (b) In the sole discretion of the supervisor after his or her
36 review, the amount paid under this subsection may be increased by no
37 more than four thousand dollars by written order of the supervisor.

1 (9) The benefits provided by subsections (7) and (8) of this
2 section are available to any otherwise eligible worker regardless of
3 the date of industrial injury.

--- END ---