

2SHB 1503 - H AMD TO H AMD (H2947.6) **349**
By Representative Condotta

1 On page 9, after line 11 of the amendment insert the following:

2 "NEW SECTION. **Sec. 9.** A new section is added to chapter 51.32
3 RCW to read as follows:

4 (1)(a) An injured worker who has reached maximum medical
5 improvement has the right, at any time after reaching maximum
6 medical improvement, to enter into a final settlement agreement, as
7 provided in this section, to resolve medical and other related
8 workers' compensation issues with respect to one or more claims
9 under this title. All final settlement agreements must be approved
10 by the board of industrial insurance appeals. The final settlement
11 agreement may:

12 (i) Bind the parties with regard to any or all aspects of a
13 claim, including but not limited to medical issues; and

14 (ii) Not subject any employer who is not a signatory to the
15 agreement to any responsibility or burden under any claim.

16 (b) For purposes of this section, "parties" means:

17 (i) For a self-insured claim, the worker and the employer; and

18 (ii) For a state fund claim, the worker, the employer, and the
19 department of labor and industries. If the employer participates
20 in a retrospective rating plan under chapter 51.18 RCW, the
21 retrospective rating group, through its administrator, shall also
22 be a party.

23 (c) A final settlement agreement entered into under this
24 section must be signed by the parties or their representatives and
25 must clearly state that the parties agree to the terms of the final
26 settlement agreement. Unless one of the parties revokes consent to
27 the agreement, as provided in subsection (3) of this section, the
28 final settlement agreement becomes final and binding thirty days
29 after approval of the agreement by the board of industrial
30 insurance appeals.

1 (d) A final settlement agreement that has become final and
2 binding as provided in this section is binding on the department
3 and on all parties to the agreement as to its terms and the
4 injuries and occupational diseases to which the final settlement
5 applies. A final settlement agreement that has become final and
6 binding is not subject to appeal.

7 (2)(a) If a worker is not represented by an attorney at the
8 time of signing a final settlement agreement, the parties must
9 forward a copy of the signed settlement agreement to the board with
10 a request for a conference with a settlement officer. Unless one
11 of the parties requests a later date, the settlement officer must
12 convene a conference within fourteen days after receipt of the
13 request for the limited purpose of receiving the final settlement
14 agreement of the parties, explaining to the worker the benefits
15 generally available under this title, and explaining that a final
16 settlement agreement may alter the benefits payable on a claim. In
17 no event may a settlement officer render legal advice to any party.

18 (b) Before approving the settlement agreement, the settlement
19 officer shall ensure that the worker has an adequate understanding
20 of the settlement proposal and its consequences to the worker.

21 (c) The settlement officer may reject a settlement agreement
22 only if the officer finds the parties have not entered into the
23 agreement knowingly and willingly. Within seven days after the
24 conference, the settlement officer shall issue an order allowing or
25 rejecting the final settlement agreement. There shall be no appeal
26 from the settlement officer's decision.

27 (d) If the settlement officer issues an order allowing the
28 final settlement agreement, the order shall be submitted to the
29 board.

30 (3) If a worker is represented by an attorney at the time of
31 signing a final settlement agreement, the parties may submit the
32 agreement directly to the board without the conference described in
33 this section.

34 (4) Upon receiving the final settlement agreement, the board
35 shall approve the agreement within thirty working days of receipt
36 unless it finds that the parties have not entered into the
37 agreement knowingly and willingly. If the board approves the
38 agreement, it shall provide notice to the department of the binding

1 terms of the agreement and provide for placement of the agreement
2 in the applicable claim files.

3 (5) A party may revoke consent to the final settlement
4 agreement by providing written notice to the other parties and the
5 board within thirty days after the date the agreement is approved
6 by the board.

7 (6) To the extent the worker is entitled to temporary total
8 disability or permanent total disability benefits while a final
9 settlement agreement is being negotiated, or during the revocation
10 period of an agreement, such benefits shall be paid until the
11 agreement becomes final.

12 (7) If the parties have provided in a final settlement
13 agreement that a claim is not subject to reopening pursuant to RCW
14 51.32.160, any application to reopen the claim must be denied.

15 NEW SECTION. **Sec. 10.** A new section is added to chapter 51.32
16 RCW to read as follows:

17 The department shall develop and maintain a registry system by
18 which it records final settlement agreements entered into between
19 the parties. This information shall be made available to employers
20 at appropriate times as determined by the department in rule, but
21 an employer may not consider a prior settlement agreement when
22 making hiring decisions or as a condition of employment."

23 Renumber the remaining sections consecutively and correct
24 internal references accordingly.

25 Correct the title.

EFFECT: Provides that an injured worker who has reached maximum medical improvement has the right to enter into a final settlement agreement to resolve medical and other related workers' compensation issues. Provides that final settlement agreements may bind the parties with respect to all aspects of a claim, including but not limited to medical issues, and may not subject any employer who is not a signatory to any responsibility or burden. Includes provisions providing for settlement conference at the Board of Industrial Insurance Appeals (Board) when a worker is not represented by an attorney and require Board approval of the agreement. Requires the Department to develop and maintain a registry system for final settlement agreements. Prohibits an employer from considering a prior settlement agreement when making hiring decisions.