

2SHB 3139 - H AMD

By Representative Conway

ADOPTED 02/19/2008

1 On page 3, beginning on line 1, after "(ii)" strike all material  
2 through "merits." on line 8, and insert "If any party appeals an order  
3 establishing a worker's wages or the compensation rate at which a  
4 worker will be paid temporary or permanent total disability or loss of  
5 earning power benefits, the worker shall receive payment pending a  
6 final decision on the merits based on the following:

7 (A) When the employer is self-insured, the wage calculation or  
8 compensation rate the employer most recently submitted to the  
9 department; or

10 (B) When the employer is insured through the state fund, the  
11 highest wage amount or compensation rate uncontested by the parties.

12 Payment of benefits or consideration of wages at a rate that is  
13 higher than that specified in (b)(ii)(A) or (B) of this subsection is  
14 stayed without further action by the board pending a final decision on  
15 the merits."

16 On page 5, beginning on line 19, after "self-insurer." strike all  
17 material through "(d)" on line 24, and insert the following:

18 "(d) The department or self-insurer may recover overpayments for  
19 health services from any entity that provided health insurance to the  
20 worker to the extent that the health insurance entity would have  
21 provided health insurance benefits but for workers' compensation  
22 coverage.

23 (e)"

**EFFECT:** Addresses all appeals of time loss rates, not limited to  
appeals by self-insured employers. Provides that while an appeal is  
pending, the worker receives time-loss at the wage or rate most

recently submitted to the department, if the employer is self-insured, or the highest rate or wage uncontested by the parties, if the employer is insured through the state fund. Payment at higher rates or wages is stayed without further action.

Reorganizes and clarifies provision authorizing the department or a self-insurer to recover overpayments for health services from a health insurance entity that would have provided benefits but for workers' compensation coverage.

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