S-4330.2

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**SUBSTITUTE SENATE BILL 6602**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Senate Commerce & Labor (originally sponsored by Senators Braun, Mullet, and Hargrove)

AN ACT Relating to industrial insurance claims made to self-insurers; amending RCW 51.14.130; and creating a new section.

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

**Sec.**  RCW 51.14.130 and 1993 c 122 s 3 are each amended to read as follows:

(1) For any industrial insurance claim for which the worker may be entitled to benefits other than medical treatment only, when a self-insurer has determined to allow an industrial insurance claim, the self-insurer must issue an order allowing the claim to the injured worker, attending medical provider, and the department within (a) sixty days from the date that the claim is filed or (b) one hundred twenty days from the date that the claim is filed if an order is issued as provided in subsection (3) of this section. The order of the self-insurer must be issued consistent with rules adopted by the department.

(2) The self-insurer ((~~shall~~)) must request ((~~allowance or~~)) denial of a claim within (a) sixty days from the date that the claim is filed or (b) one hundred twenty days from the date that the claim is filed if an order is issued as provided in subsection (3) of this section.

(3) When a self-insurer requires additional time to determine whether to allow or request denial of the claim, the self-insurer must issue an order to the injured worker, attending medical provider, and the department within sixty days from the date that the claim is filed indicating a decision requires additional time to determine whether to allow or request denial of the claim. The order must state the reasons why the self-insurer requires additional time to determine whether to allow or request denial of the claim. During the sixty-day period after this order is issued, the self-insurer must pay temporary disability benefits as entitled if the attending provider certifies that the worker cannot return to work because of the injury or illness provided in the claim, and pay for any medical examination or test required by the self-insurer to determine whether to allow or request denial of the claim. In the event the claim is denied by the department, any temporary disability and other benefits paid may be recovered by the self-insurer in accordance with RCW 51.32.240.

(4) Pending a decision of allowance or denial, temporary disability compensation must be paid in accordance with RCW 51.32.190.

(5) If the self-insurer fails to act within (a) sixty days from the date that the claim is filed or (b) one hundred twenty days from the date that the claim is filed if an order is issued as provided in subsection (3) of this section, the department ((~~shall~~)) must promptly intervene and adjudicate the claim.

NEW SECTION. **Sec.**  The department of labor and industries is authorized to adopt rules as necessary to implement this act to include the form of orders allowing industrial insurance claims consistent with the standards followed by the department.

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