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**Labor Committee**

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**HB 1613**

**Brief Description:** Authorizing treatment to protect life or alleviate pain of injured workers with permanent partial disabilities.

**Sponsors:** Representatives Pollet, Haler, Reykdal, Sells, Dunshee, Walkinshaw and Gregerson.

**Brief Summary of Bill**

- Allows the Supervisor of Industrial Insurance to exercise discretion to allow continued treatment for permanent partial disability claimants to protect the worker's life or alleviate pain.

**Hearing Date:** 2/5/15

**Staff:** Joan Elgee (786-7106).

**Background:**

Workers who, in the course of employment, are injured or disabled from an occupational disease are entitled to benefits. Depending on the disability, workers are entitled to medical, temporary time-loss, and vocational rehabilitation benefits, as well as benefits for permanent disabilities.

A worker is entitled to permanent total disability (PTD) benefits when he or she has suffered certain amputations, loss of eyesight, or paralysis, or has a condition permanently incapacitating the worker from performing work at any gainful occupation. Workers awarded a PTD receive monthly benefits for life. If a permanent partial disability (PPD) results from an injury, a worker receives a one-time award under a disability schedule. However, if the award is more than three times the average monthly wage, payment is made monthly.

The Director of the Department of Labor and Industries (Director) appoints an assistant, known as the Supervisor of Industrial Insurance (Supervisor).

Medical treatment through the industrial insurance system ends at specified points.

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For a PPD, treatment ends when the compensation award is made; however, if the worker returns to work before the award is made, treatment ends when time loss benefits end. For a PTD, treatment ends when the worker begins receiving monthly PTD benefits.

A proviso states that the Supervisor may authorize continued medical and surgical treatment for accepted conditions when the treatment is necessary to protect the workers' life or provide for the administration of medical and therapeutic measures which are necessary to alleviate continuing pain from the industrial injury. Opioids and certain other drugs are not permitted. The Department has interpreted the proviso to apply only to PTD claims. In *Department of Labor & Industries v. Slauch*, the Court of Appeals, Division III, construed the statute as consistent with the Department's interpretation, and held that the Supervisor's exercise of discretion was limited to PTD claims.

A worker may seek to reopen a claim if aggravation of an injury occurs and the director may authorize provide proper and necessary medical services if aggravation is shown.

**Summary of Bill:**

The Supervisor may authorize ongoing treatment for PPD claimants under the same circumstances in which the Supervisor may authorize treatment for PTD claimants. The Supervisor may authorize continued treatment to protect the worker's life or provide for medical and therapeutic measures to alleviate pain.

**Appropriation:** None.

**Fiscal Note:** Requested on February 2, 2015.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.