
SUBSTITUTE SENATE BILL 6226

State of Washington

65th Legislature

2018 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Keiser, Conway, Cleveland, Kuderer, and Saldaña)

READ FIRST TIME 01/30/18.

1 AN ACT Relating to improving health outcomes for injured workers
2 by facilitating better access to medical records and telemedicine;
3 and amending RCW 51.36.070.

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

5 **Sec. 1.** RCW 51.36.070 and 2001 c 152 s 2 are each amended to
6 read as follows:

7 (1) Whenever the director or the self-insurer deems it necessary
8 in order to resolve any medical issue, a worker shall submit to
9 examination by a physician or physicians selected by the director,
10 with the rendition of a report to the person ordering the
11 examination. The department or self-insurer shall provide the
12 physician performing an examination with all relevant medical records
13 from the worker's claim file. The director, in his or her discretion,
14 may charge the cost of such examination or examinations to the self-
15 insurer or to the medical aid fund as the case may be. The cost of
16 said examination shall include payment to the worker of reasonable
17 expenses connected therewith.

18 (2) The self-insured employer shall ensure that all relevant
19 medical records of the injured worker scheduled for an independent
20 medical exam are provided as electronic medical records to the
21 independent medical exam physician or physicians, and, if electronic

1 medical records are not possible, paper records must be delivered to
2 the independent medical exam physician or physicians at least ten
3 business days prior to the scheduled exam. If the independent medical
4 exam is scheduled to occur before ten business days or if a medical
5 record only becomes available to the employer during the ten business
6 days, then the paper records must be delivered to the independent
7 medical exam physician as soon as possible before the exam occurs.

8 (3) The director shall develop access to telemedicine for
9 independent medical exams and reimburse independent medical exam
10 physicians for services in a manner that is similar to the policies
11 developed for commercial health insurance plans under RCW 48.43.735
12 and medicaid managed care plans under RCW 74.09.325. An independent
13 medical exam may be conducted with the use of telemedicine with the
14 consent of the worker. For the first five years following the
15 effective date of this section, any independent medical exam using
16 telemedicine must be conducted in Washington state by a Washington
17 state licensed medical provider. The department must consult with
18 interested parties in any rule making related to telemedicine for
19 independent medical exams.

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