

**SHB 1902** - S COMM AMD

By Committee on Labor, Commerce & Tribal Affairs

ADOPTED 03/04/2022

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 51.28.040 and 1977 ex.s. c 199 s 1 are each amended  
4 to read as follows:

5 (1)(a) If change of circumstances warrants an increase or  
6 rearrangement of compensation, like application shall be made  
7 therefor. Where the application has been granted, compensation and  
8 other benefits if in order shall be allowed for periods of time up to  
9 ((sixty)) 60 days prior to the receipt of such application, except as  
10 provided in (b) of this subsection.

11 (b) Compensation and other benefits under (a) of this subsection  
12 shall be allowed for periods of time beyond 60 days, up to and  
13 including the time period covering the change of circumstances  
14 warranting an increase or rearrangement of compensation or other  
15 benefits, subject to a maximum of 120 days prior to the receipt of  
16 the application, where:

17 (i) The application was not received by the department or self-  
18 insurer within 60 days of the provision of medical services made  
19 necessary by the change in circumstances, due to a failure of the  
20 treating provider to timely complete or submit the provider  
21 information section of the application; and

22 (ii) The worker demonstrates that the worker information section  
23 of the application was completed and submitted via certified mail or  
24 electronic verification of receipt to the department, self-insurer,  
25 or the treating provider within 30 days of the provision of medical  
26 services made necessary by the change in circumstances.

27 (2) Any forms provided by the department or self-insurer as the  
28 application to reopen a claim under subsection (1)(a) of this  
29 section, must:

30 (a) Encourage the worker to submit the form to the treating  
31 provider within 30 days of the provision of any medical services made  
32 necessary by the change in circumstances; and

1       (b) Provide notice to both the worker and the medical provider  
2 that the application must be received by the department or self-  
3 insurer within 60 days of the provision of any medical services made  
4 necessary by the change in circumstances."

**SHB 1902** - S COMM AMD

By Committee on Labor, Commerce & Tribal Affairs

**ADOPTED 03/04/2022**

5       On page 1, line 3 of the title, after "manner;" strike the  
6 remainder of the title and insert "and amending RCW 51.28.040."

EFFECT: Limits the maximum days for allowance of compensation and other benefits in a reopened claim under certain circumstances to 120 days prior to the receipt of the application.

--- END ---