

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1902

Chapter 269, Laws of 2022

67th Legislature
2022 Regular Session

WORKERS' COMPENSATION CLAIM REOPENING—PROVIDER FAILURE TO SUBMIT
APPLICATION

EFFECTIVE DATE: June 9, 2022

Passed by the House March 7, 2022
Yeas 98 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 4, 2022
Yeas 48 Nays 0

DENNY HECK

President of the Senate

Approved March 31, 2022 4:36 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1902** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

April 1, 2022

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1902

AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

State of Washington 67th Legislature 2022 Regular Session

By House Labor & Workplace Standards (originally sponsored by Representatives Schmick and Pollet)

READ FIRST TIME 02/02/22.

1 AN ACT Relating to providing an exception to the process for
2 reopening a workers' compensation claim when the claimant submits a
3 reopening application in a timely manner; and amending RCW 51.28.040.

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

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

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

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

19 (i) The application was not received by the department or self-
20 insurer within 60 days of the provision of medical services made
21 necessary by the change in circumstances, due to a failure of the

1 treating provider to timely complete or submit the provider
2 information section of the application; and

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

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

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

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

Passed by the House March 7, 2022.

Passed by the Senate March 4, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

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