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HOUSE BILL 2336

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State of Washington

64th Legislature

2016 Regular Session

By Representative Manweller

Prefiled 01/05/16.

1 AN ACT Relating to implementing joint legislative audit and  
2 review committee recommendations to improve claims management and  
3 efficiencies in workers' compensation; amending RCW 51.14.120; and  
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** The joint legislative audit and review  
7 committee, in its report "Workers' Compensation Claims Management,"  
8 concluded that the department of labor and industries could improve  
9 workers' compensation claim outcomes by improving claims management  
10 efficiencies. The legislature finds that ensuring timely review of  
11 claim closure requests from self-insurers will decrease unnecessary  
12 additional medical examinations for injured workers, result in more  
13 efficient claims management, and decrease costs for self-insurers.

14 **Sec. 2.** RCW 51.14.120 and 2001 c 152 s 1 are each amended to  
15 read as follows:

16 (1) The self-insurer shall provide, when authorized under RCW  
17 51.28.070, a copy of the employee's claim file at no cost within  
18 fifteen days of receipt of a request by the employee or the  
19 employee's representative, and shall provide the physician performing  
20 an examination with all relevant medical records from the worker's

1 claim file, but only to the extent required of the department under  
2 RCW 51.36.070. If the self-insured employer determines that release  
3 of the claim file to an unrepresented worker in whole or in part, may  
4 not be in the worker's best interests, the employer must submit a  
5 request for denial with an explanation along with a copy of that  
6 portion of the claim file not previously provided within twenty days  
7 after the request from the worker. In the case of second or  
8 subsequent requests, a reasonable charge for copying may be made. The  
9 self-insurer shall provide the entire contents of the claim file  
10 unless the request is for only a particular portion of the file. Any  
11 new material added to the claim file after the initial request shall  
12 be provided under the same terms and conditions as the initial  
13 request.

14 (2) The self-insurer shall transmit notice to the department of  
15 any protest or appeal by an employee relating to the administration  
16 of an industrial injury or occupational disease claim under this  
17 chapter within five working days of receipt. The date that the  
18 protest or appeal is received by the self-insurer shall be deemed to  
19 be the date the protest is received by the department for the purpose  
20 of RCW 51.52.050.

21 (3) The self-insurer shall submit a medical report with the  
22 request for closure of a claim under this chapter. The department  
23 shall adjudicate the request for closure of a claim within ninety  
24 days of receipt of the medical report and request for claim closure  
25 from the self-insurer.

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