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SENATE BILL 6526

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State of Washington

63rd Legislature

2014 Regular Session

By Senator Braun

Read first time 02/03/14. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to aligning workers' compensation disability awards  
2 with federal retirement standards, increasing permanent partial  
3 disability awards, and decreasing workers' compensation rates; amending  
4 RCW 51.32.060, 51.32.067, 51.32.080, 51.16.035, and 51.32.040; and  
5 creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature recognizes the importance of  
8 compensating an injured worker permanently and totally disabled from an  
9 industrial injury or occupational disease. However, a permanent and  
10 total disability award should not be a replacement for retirement  
11 income. The legislature finds that a permanent and total disability  
12 award is intended to provide compensation to an injured worker only  
13 during the individual's working years. This statutory change will  
14 generate substantial savings while continuing to protect totally  
15 disabled workers during their working years. The legislature intends  
16 to utilize the savings generated to provide additional monetary  
17 benefits to permanent partial disability award recipients and to lower  
18 workers' compensation rates for Washington employers.

1       **Sec. 2.** RCW 51.32.060 and 2007 c 284 s 2 are each amended to read  
2 as follows:

3       (1) When the supervisor of industrial insurance shall determine  
4 that permanent total disability results from the injury, the worker  
5 shall receive monthly during the period of such disability:

6       (a) If married at the time of injury, sixty-five percent of his or  
7 her wages.

8       (b) If married with one child at the time of injury, sixty-seven  
9 percent of his or her wages.

10       (c) If married with two children at the time of injury, sixty-nine  
11 percent of his or her wages.

12       (d) If married with three children at the time of injury,  
13 seventy-one percent of his or her wages.

14       (e) If married with four children at the time of injury,  
15 seventy-three percent of his or her wages.

16       (f) If married with five or more children at the time of injury,  
17 seventy-five percent of his or her wages.

18       (g) If unmarried at the time of the injury, sixty percent of his or  
19 her wages.

20       (h) If unmarried with one child at the time of injury, sixty-two  
21 percent of his or her wages.

22       (i) If unmarried with two children at the time of injury,  
23 sixty-four percent of his or her wages.

24       (j) If unmarried with three children at the time of injury,  
25 sixty-six percent of his or her wages.

26       (k) If unmarried with four children at the time of injury,  
27 sixty-eight percent of his or her wages.

28       (l) If unmarried with five or more children at the time of injury,  
29 seventy percent of his or her wages.

30       (2) For any period of time where both husband and wife are entitled  
31 to compensation as temporarily or totally disabled workers, only that  
32 spouse having the higher wages of the two shall be entitled to claim  
33 their child or children for compensation purposes.

34       (3) In case of permanent total disability, if the character of the  
35 injury is such as to render the worker so physically helpless as to  
36 require the hiring of the services of an attendant, the department  
37 shall make monthly payments to such attendant for such services as long

1 as such requirement continues, but such payments shall not obtain or be  
2 operative while the worker is receiving care under or pursuant to the  
3 provisions of chapter 51.36 RCW and RCW 51.04.105.

4 (4) Should any further accident result in the permanent total  
5 disability of an injured worker, he or she shall receive the pension to  
6 which he or she would be entitled, notwithstanding the payment of a  
7 lump sum for his or her prior injury.

8 (5) In no event shall the monthly payments provided in this  
9 section:

10 (a) Exceed the applicable percentage of the average monthly wage in  
11 the state as computed under the provisions of RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

17 (b) For dates of injury or disease manifestation after July 1,  
18 2008, be less than fifteen percent of the average monthly wage in the  
19 state as computed under RCW 51.08.018 plus an additional ten dollars  
20 per month if a worker is married and an additional ten dollars per  
21 month for each child of the worker up to a maximum of five children.  
22 However, if the monthly payment computed under this subsection (5)(b)  
23 is greater than one hundred percent of the wages of the worker as  
24 determined under RCW 51.08.178, the monthly payment due to the worker  
25 shall be equal to the greater of the monthly wages of the worker or the  
26 minimum benefit set forth in this section on June 30, 2008.

27 The limitations under this subsection shall not apply to the  
28 payments provided for in subsection (3) of this section.

29 (6) In the case of new or reopened claims, if the supervisor of  
30 industrial insurance determines that, at the time of filing or  
31 reopening, the worker is voluntarily retired and is no longer attached  
32 to the workforce, benefits shall not be paid under this section.

33 (7) The benefits provided by this section are subject to  
34 modification under RCW 51.32.067.

1 (8)(a) Benefits under this section end when the worker reaches full  
2 federal retirement age as defined by 42 U.S.C. Sec. 416(1).

3 (b) This subsection applies to all determinations of permanent  
4 total disability made by the department on or after July 1, 2014.

5 (9) Beginning on June 30, 2015, and no later than each June 30th  
6 thereafter, the department shall determine the fiscal cost savings  
7 achieved by subsection (8) of this section for the prior calendar year.  
8 The savings achieved in the prior year must be used in the subsequent  
9 year as follows:

10 (a) Fifty percent of the cost savings achieved by subsection (8) of  
11 this section in the prior year must be used to decrease the basic  
12 accident fund premium rates equally across all risk classifications for  
13 the following year; and

14 (b) Fifty percent of the cost savings achieved by subsection (8) of  
15 this section in the prior year must be used to increase the amount of  
16 permanent partial disability awards. The increased amount is  
17 considered a supplement to a permanent partial disability award and  
18 must be distributed proportionately based upon the percentage of the  
19 injured worker's disability rating. Permanent partial disability  
20 awards that may not be supplemented are those in which the injured  
21 worker has died or has reached full federal retirement age as of the  
22 date the supplement would be distributed or has received or is  
23 receiving permanent total disability compensation. Permanent partial  
24 disability awards paid by self-insured employers also may not be  
25 supplemented. Subject to the limitations of this subsection, permanent  
26 partial disability awards to be supplemented are awards that:

27 (i) Will be paid in the following year; and

28 (ii) Have been paid in previous years, regardless of whether the  
29 claim is closed, subject to reasonable efforts made by the department  
30 to locate injured workers who have received permanent partial  
31 disability awards in previous years. The award of the supplement does  
32 not constitute a reopening of a claim. "Reasonable efforts" means the  
33 department has attempted to contact the injured worker at the injured  
34 worker's last known address on file with the department.

35 (10) The supplement under subsection (9) of this section does not  
36 constitute an entitlement and no private cause of action is created.  
37 An injured worker who disagrees with the department's decision

1 regarding a distribution of a supplement to the injured worker may seek  
2 review of the department's decision by contacting the department in the  
3 manner provided by rule.

4 (11) The department shall develop rules as necessary to implement  
5 subsections (8) through (10) of this section.

6 **Sec. 3.** RCW 51.32.067 and 2006 c 154 s 1 are each amended to read  
7 as follows:

8 (1) After a worker elects one of the options in (a), (b), or (c) of  
9 this subsection, that option shall apply only if the worker dies during  
10 a period of permanent total disability from a cause unrelated to the  
11 injury, leaving a surviving spouse, child, children, or other  
12 dependent. If, after making an election under this subsection, a  
13 worker dies from a cause related to the injury during a period of  
14 permanent total disability, his or her beneficiaries shall receive  
15 benefits under RCW 51.32.050 (2) through (5).

16 (a) **Option I.** An injured worker selecting this option shall  
17 receive the benefits provided by RCW 51.32.060, with no benefits being  
18 paid to the worker's surviving spouse, children, or others.

19 (b) **Option II.** An injured worker selecting this option shall  
20 receive an actuarially reduced benefit which upon death shall be  
21 ~~((continued throughout the life of and))~~ paid to the surviving spouse,  
22 child, or other dependent as the worker has nominated by written  
23 designation duly executed and filed with the department. The benefit  
24 is payable to the designated beneficiary through the designated  
25 beneficiary's life or through the period the injured worker would have  
26 been entitled to permanent total disability benefits, whichever ends  
27 first.

28 (c) **Option III.** An injured worker selecting this option shall  
29 receive an actuarially reduced benefit and, upon death, one-half of the  
30 reduced benefit shall be ~~((continued throughout the life of and))~~ paid  
31 to the surviving spouse, child, or other dependent as the worker has  
32 nominated by written designation duly executed and filed with the  
33 department. The benefit is payable to the designated beneficiary  
34 through the designated beneficiary's life or through the period the  
35 injured worker would have been entitled to permanent total disability  
36 benefits, whichever ends first.

1 (2) The worker shall make the election in writing and the worker's  
2 spouse, if any, shall consent in writing as a prerequisite to the  
3 election of Option I.

4 (3) If the worker's nominated beneficiary is the worker's spouse,  
5 and the worker and spouse enter into a dissolution of marriage after  
6 the nomination has been made, the worker may apply to receive benefits  
7 as calculated under Option I if the period of the worker's entitlement  
8 to permanent total disability benefits has not ended. This change is  
9 effective the date of the decree of dissolution of marriage, but no  
10 more than one year prior to the date application for the change is  
11 received in the department, provided the worker submits legally  
12 certified documentation of the decree of dissolution of marriage.

13 (4) If the worker's nominated beneficiary dies, the worker may  
14 apply to receive benefits as calculated under Option I if the period of  
15 the worker's entitlement to permanent total disability benefits has not  
16 ended. This change is effective the date of death, but no more than  
17 one year prior to the date application for the change is received in  
18 the department, provided the worker submits a certified copy of the  
19 death certificate.

20 (5) The change in benefits authorized by subsections (3) and (4) of  
21 this section is a one-time adjustment and will be permanent for the  
22 ~~((life of the worker))~~ period of the worker's entitlement to permanent  
23 total disability benefits.

24 (6) The department shall adopt such rules as may be necessary to  
25 implement this section.

26 **Sec. 4.** RCW 51.32.080 and 2011 1st sp.s. c 37 s 401 are each  
27 amended to read as follows:

28 (1)(a) Until July 1, 1993, for the permanent partial disabilities  
29 here specifically described, the injured worker shall receive  
30 compensation as follows:

31 LOSS BY AMPUTATION

32 Of leg above the knee joint with short  
33 thigh stump (3" or less below the  
34 tuberosity of ischium)..... \$54,000.00

1	Of leg at or above knee joint with	
2	functional stump.....	48,600.00
3	Of leg below knee joint.....	43,200.00
4	Of leg at ankle (Syme).....	37,800.00
5	Of foot at mid-metatarsals.....	18,900.00
6	Of great toe with resection of metatarsal	
7	bone.....	11,340.00
8	Of great toe at metatarsophalangeal	
9	joint.....	6,804.00
10	Of great toe at interphalangeal joint.....	3,600.00
11	Of lesser toe (2nd to 5th) with resection of	
12	metatarsal bone.....	4,140.00
13	Of lesser toe at metatarsophalangeal	
14	joint.....	2,016.00
15	Of lesser toe at proximal interphalangeal	
16	joint.....	1,494.00
17	Of lesser toe at distal interphalangeal	
18	joint.....	378.00
19	Of arm at or above the deltoid insertion or	
20	by disarticulation at the shoulder.....	54,000.00
21	Of arm at any point from below the deltoid	
22	insertion to below the elbow joint at	
23	the insertion of the biceps tendon.....	51,300.00
24	Of arm at any point from below the elbow	
25	joint distal to the insertion of the	
26	biceps tendon to and including	
27	mid-metacarpal amputation of the	
28	hand.....	48,600.00
29	Of all fingers except the thumb at	
30	metacarpophalangeal joints.....	29,160.00
31	Of thumb at metacarpophalangeal joint or	
32	with resection of carpometacarpal	
33	bone.....	19,440.00
34	Of thumb at interphalangeal joint.....	9,720.00
35	Of index finger at metacarpophalangeal	
36	joint or with resection of metacarpal	
37	bone.....	12,150.00

1	Of index finger at proximal	
2	interphalangeal joint.....	9,720.00
3	Of index finger at distal interphalangeal	
4	joint.....	5,346.00
5	Of middle finger at metacarpophalangeal	
6	joint or with resection of metacarpal	
7	bone.....	9,720.00
8	Of middle finger at proximal	
9	interphalangeal joint.....	7,776.00
10	Of middle finger at distal interphalangeal	
11	joint.....	4,374.00
12	Of ring finger at metacarpophalangeal	
13	joint or with resection of metacarpal	
14	bone.....	4,860.00
15	Of ring finger at proximal interphalangeal	
16	joint.....	3,888.00
17	Of ring finger at distal interphalangeal	
18	joint.....	2,430.00
19	Of little finger at metacarpophalangeal	
20	joint or with resection of metacarpal	
21	bone.....	2,430.00
22	Of little finger at proximal interphalangeal	
23	joint.....	1,944.00
24	Of little finger at distal interphalangeal	
25	joint.....	972.00

26		
27	MISCELLANEOUS	
28	Loss of one eye by enucleation.....	21,600.00
29	Loss of central visual acuity in one eye.....	18,000.00
30	Complete loss of hearing in both ears.....	43,200.00
31	Complete loss of hearing in one ear.....	7,200.00

32 (b) Beginning on July 1, 1993, compensation under this subsection  
33 shall be computed as follows:

34 (i) Beginning on July 1, 1993, the compensation amounts for the  
35 specified disabilities listed in (a) of this subsection shall be  
36 increased by thirty-two percent; (~~and~~)



1           (ii) Except as provided in (b)(iii) of this subsection, beginning  
2 on July 1, 1994, and each July 1 thereafter, the compensation amounts  
3 for the specified disabilities listed in (a) of this subsection, as  
4 adjusted under (b)(i) of this subsection, shall be readjusted to  
5 reflect the percentage change in the consumer price index, calculated  
6 as follows: The index for the calendar year preceding the year in  
7 which the July calculation is made, to be known as "calendar year A,"  
8 is divided by the index for the calendar year preceding calendar year  
9 A, and the resulting ratio is multiplied by the compensation amount in  
10 effect on June 30 immediately preceding the July 1st on which the  
11 respective calculation is made. For the purposes of this subsection,  
12 "index" means the same as the definition in RCW 2.12.037(1); and

13           (iii) Beginning July 1, 2017, the compensation amounts for the  
14 specified disabilities listed in (a) of this subsection must be  
15 readjusted as follows:

16           (A) Annually, on July 1st of each year, the amounts must be  
17 readjusted to reflect the percentage change in the consumer price  
18 index, calculated under the formula provided in (b)(ii) of this  
19 subsection; and

20           (B) The amounts must be readjusted on the basis of the formula  
21 provided in RCW 51.32.060(9) for state fund employers.

22           (2) Compensation for amputation of a member or part thereof at a  
23 site other than those specified in subsection (1) of this section, and  
24 for loss of central visual acuity and loss of hearing other than  
25 complete, shall be in proportion to that which such other amputation or  
26 partial loss of visual acuity or hearing most closely resembles and  
27 approximates. Compensation shall be calculated based on the adjusted  
28 schedule of compensation in effect for the respective time period as  
29 prescribed in subsection (1) of this section.

30           (3)(a) Compensation for any other permanent partial disability not  
31 involving amputation shall be in the proportion which the extent of  
32 such other disability, called unspecified disability, shall bear to the  
33 disabilities specified in subsection (1) of this section, which most  
34 closely resembles and approximates in degree of disability such other  
35 disability, and compensation for any other unspecified permanent  
36 partial disability shall be in an amount as measured and compared to  
37 total bodily impairment. To reduce litigation and establish more  
38 certainty and uniformity in the rating of unspecified permanent partial

1 disabilities, the department shall enact rules having the force of law  
2 classifying such disabilities in the proportion which the department  
3 shall determine such disabilities reasonably bear to total bodily  
4 impairment. In enacting such rules, the department shall give  
5 consideration to, but need not necessarily adopt, any nationally  
6 recognized medical standards or guides for determining various bodily  
7 impairments.

8 (b) Until July 1, 1993, for purposes of calculating monetary  
9 benefits under (a) of this subsection, the amount payable for total  
10 bodily impairment shall be deemed to be ninety thousand dollars.  
11 Beginning on July 1, 1993, for purposes of calculating monetary  
12 benefits under (a) of this subsection, the amount payable for total  
13 bodily impairment shall be adjusted as follows:

14 (i) Beginning on July 1, 1993, the amount payable for total bodily  
15 impairment under this section shall be increased to one hundred  
16 eighteen thousand eight hundred dollars; (~~and~~)

17 (ii) Except as provided in (b)(iii) of this subsection, beginning  
18 on July 1, 1994, and each July 1 thereafter, the amount payable for  
19 total bodily impairment prescribed in (b)(i) of this subsection shall  
20 be adjusted as provided in subsection (1)(b)(ii) of this section; and

21 (iii) Beginning July 1, 2017, the compensation amounts calculated  
22 under (a) of this subsection must be readjusted as follows:

23 (A) Annually, on July 1st of each year, the amounts must be  
24 readjusted to reflect the percentage change in the consumer price  
25 index, calculated under the formula provided in subsection (1)(b)(ii)  
26 of this section; and

27 (B) The amounts must be readjusted on the basis of the formula  
28 provided in RCW 51.32.060(9) for state fund employers.

29 (c) Until July 1, 1993, the total compensation for all unspecified  
30 permanent partial disabilities resulting from the same injury shall not  
31 exceed the sum of ninety thousand dollars. Beginning on July 1, 1993,  
32 total compensation for all unspecified permanent partial disabilities  
33 resulting from the same injury shall not exceed a sum calculated as  
34 follows:

35 (i) Beginning on July 1, 1993, the sum shall be increased to one  
36 hundred eighteen thousand eight hundred dollars; (~~and~~)

37 (ii) Except as provided in (c)(iii) of this subsection, beginning

1 on July 1, 1994, and each July 1 thereafter, the sum prescribed in  
2 (b)(i) of this subsection shall be adjusted as provided in subsection  
3 (1)(b)(ii) of this section; and

4 (iii) Beginning July 1, 2017, the compensation amounts calculated  
5 under (a) of this subsection must be readjusted as follows:

6 (A) Annually, on July 1st of each year, the amounts must be  
7 readjusted to reflect the percentage change in the consumer price  
8 index, calculated under the formula provided in (1)(b)(ii) of this  
9 section; and

10 (B) The amounts must be readjusted on the basis of the formula  
11 provided in RCW 51.32.060(9) for state fund employers.

12 (4) If permanent partial disability compensation is followed by  
13 permanent total disability compensation, all permanent partial  
14 disability compensation paid to the worker under the claim or claims  
15 for which total permanent disability compensation is awarded shall be,  
16 at the choosing of the injured worker, either: (a) Deducted from the  
17 worker's monthly pension benefits until the total award or awards paid  
18 are recovered; or (b) deducted from the pension reserve of such injured  
19 worker and his or her monthly compensation payments shall be reduced  
20 accordingly. Any interest paid on any permanent partial disability  
21 compensation may not be deducted from the pension benefits or pension  
22 reserve. The provisions of this subsection apply to all permanent  
23 total disability determinations issued on or after July 1, 2011.

24 (5) Should a worker receive an injury to a member or part of his or  
25 her body already, from whatever cause, permanently partially disabled,  
26 resulting in the amputation thereof or in an aggravation or increase in  
27 such permanent partial disability but not resulting in the permanent  
28 total disability of such worker, his or her compensation for such  
29 partial disability shall be adjudged with regard to the previous  
30 disability of the injured member or part and the degree or extent of  
31 the aggravation or increase of disability thereof.

32 (6) When the compensation provided for in subsections (1) through  
33 (3) of this section exceeds three times the average monthly wage in the  
34 state as computed under the provisions of RCW 51.08.018, payment shall  
35 be made in monthly payments in accordance with the schedule of  
36 temporary total disability payments set forth in RCW 51.32.090 until  
37 such compensation is paid to the injured worker in full, except that  
38 the first monthly payment shall be in an amount equal to three times

1 the average monthly wage in the state as computed under the provisions  
2 of RCW 51.08.018. Upon application of the injured worker or survivor  
3 the monthly payment may be converted, in whole or in part, into a lump  
4 sum payment, in which event the monthly payment shall cease in whole or  
5 in part. Such conversion may be made only upon written application of  
6 the injured worker or survivor to the department and shall rest in the  
7 discretion of the department depending upon the merits of each  
8 individual application. Upon the death of a worker all unpaid  
9 installments accrued shall be paid according to the payment schedule  
10 established prior to the death of the worker to the widow or widower,  
11 or if there is no widow or widower surviving, to the dependent children  
12 of such claimant, and if there are no such dependent children, then to  
13 such other dependents as defined by this title.

14 (7) Awards payable under this section are governed by the schedule  
15 in effect on the date of injury.

16 **Sec. 5.** RCW 51.16.035 and 2005 c 410 s 1 are each amended to read  
17 as follows:

18 (1) The department shall classify all occupations or industries in  
19 accordance with their degree of hazard and fix therefor basic rates of  
20 premium which shall be:

21 (a) The lowest necessary to maintain actuarial solvency of the  
22 accident and medical aid funds in accordance with recognized insurance  
23 principles; (~~and~~)

24 (b) Designed to attempt to limit fluctuations in premium rates; and

25 (c) Adopted using the savings formula provided in RCW 51.32.060(9)  
26 for state fund employers.

27 (2) The department shall formulate and adopt rules governing the  
28 method of premium calculation and collection and providing for a rating  
29 system consistent with recognized principles of workers' compensation  
30 insurance which shall be designed to stimulate and encourage accident  
31 prevention and to facilitate collection. The department may annually,  
32 or at such other times as it deems necessary to achieve the objectives  
33 under this section, readjust rates in accordance with the rating system  
34 to become effective on such dates as the department may designate.

35 (3)(a) After the first report is issued by the state auditor under  
36 RCW 51.44.115, the workers' compensation advisory committee shall

1 review the report and, as the committee deems appropriate, may make  
2 recommendations to the department concerning:

3 (i) The level or levels of a contingency reserve that are  
4 appropriate to maintain actuarial solvency of the accident and medical  
5 aid funds, limit premium rate fluctuations, and account for economic  
6 conditions; and

7 (ii) When surplus funds exist in the trust funds, the circumstances  
8 under which the department should give premium dividends, or similar  
9 measures, or temporarily reduce rates below the rates fixed under  
10 subsection (1) of this section, including any recommendations regarding  
11 notifications that should be given before taking the action.

12 (b) Following subsequent reports issued by the state auditor under  
13 RCW 51.44.115, the workers' compensation advisory committee may, as it  
14 deems appropriate, update its recommendations to the department on the  
15 matters covered under (a) of this subsection.

16 (4) In providing a retrospective rating plan under RCW 51.18.010,  
17 the department may consider each individual retrospective rating group  
18 as a single employing entity for purposes of dividends or premium  
19 discounts.

20 **Sec. 6.** RCW 51.32.040 and 2013 c 125 s 6 are each amended to read  
21 as follows:

22 (1) Except as provided in RCW 43.20B.720, 72.09.111, 74.20A.260,  
23 and 51.32.380, no money paid or payable under this title shall, before  
24 the issuance and delivery of the payment, be assigned, charged, or  
25 taken in execution, attached, garnished, or pass or be paid to any  
26 other person by operation of law, any form of voluntary assignment, or  
27 power of attorney. Any such assignment or charge is void unless the  
28 transfer is to a financial institution at the request of a worker or  
29 other beneficiary and made in accordance with RCW 51.32.045.

30 (2)(a) If any worker suffers (i) a permanent partial injury and  
31 dies from some other cause than the accident which produced the injury  
32 before he or she receives payment of the award for the permanent  
33 partial injury or (ii) any other injury before he or she receives  
34 payment of any monthly installment covering any period of time before  
35 his or her death, the amount of the permanent partial disability award  
36 or the monthly payment, or both, shall be paid to the surviving spouse  
37 or the child or children if there is no surviving spouse. If there is

1 no surviving spouse and no child or children, the award or the amount  
2 of the monthly payment shall be paid by the department or self-insurer  
3 and distributed consistent with the terms of the decedent's will or, if  
4 the decedent dies intestate, consistent with the terms of RCW  
5 11.04.015. The increase in a permanent partial disability award under  
6 RCW 51.32.060(9)(b) does not apply when a permanent partial disability  
7 award is being paid to the surviving spouse or, if there is no  
8 surviving spouse, to the child or children, under this section.

9 (b) If any worker suffers an injury and dies from it before he or  
10 she receives payment of any monthly installment covering time loss for  
11 any period of time before his or her death, the amount of the monthly  
12 payment shall be paid to the surviving spouse or the child or children  
13 if there is no surviving spouse. If there is no surviving spouse and  
14 no child or children, the amount of the monthly payment shall be paid  
15 by the department or self-insurer and distributed consistent with the  
16 terms of the decedent's will or, if the decedent dies intestate,  
17 consistent with the terms of RCW 11.04.015.

18 (c) Any application for compensation under this subsection (2)  
19 shall be filed with the department or self-insuring employer within one  
20 year of the date of death. The department or self-insurer may satisfy  
21 its responsibilities under this subsection (2) by sending any payment  
22 due in the name of the decedent and to the last known address of the  
23 decedent.

24 (3)(a) Any worker or beneficiary receiving benefits under this  
25 title who is subsequently confined in, or who subsequently becomes  
26 eligible for benefits under this title while confined in, any  
27 institution under conviction and sentence shall have all payments of  
28 the compensation canceled during the period of confinement. After  
29 discharge from the institution, payment of benefits due afterward shall  
30 be paid if the worker or beneficiary would, except for the provisions  
31 of this subsection (3), otherwise be entitled to them.

32 (b) If any prisoner is injured in the course of his or her  
33 employment while participating in a work or training release program  
34 authorized by chapter 72.65 RCW and is subject to the provisions of  
35 this title, he or she is entitled to payments under this title, subject  
36 to the requirements of chapter 72.65 RCW, unless his or her  
37 participation in the program has been canceled, or unless he or she is

1 returned to a state correctional institution, as defined in RCW  
2 72.65.010(3), as a result of revocation of parole or new sentence.

3 (c) If the confined worker has any beneficiaries during the  
4 confinement period during which benefits are canceled under (a) or (b)  
5 of this subsection, they shall be paid directly the monthly benefits  
6 which would have been paid to the worker for himself or herself and the  
7 worker's beneficiaries had the worker not been confined.

8 (4) Any lump sum benefits to which a worker would otherwise be  
9 entitled but for the provisions of this section shall be paid on a  
10 monthly basis to his or her beneficiaries.

--- END ---