
SENATE BILL 5308

State of Washington 60th Legislature 2007 Regular Session

By Senators Clements, Holmquist and Honeyford

Read first time 01/16/2007. Referred to Committee on Labor,
Commerce, Research & Development.

1 AN ACT Relating to making a claim for worker's compensation;
2 amending RCW 51.28.020; and providing an effective date.

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

4 **Sec. 1.** RCW 51.28.020 and 2005 c 108 s 3 are each amended to read
5 as follows:

6 (1)(a) Where a worker is entitled to compensation under this title
7 he or she shall file with the department or his or her (~~self-insured~~)
8 employer(~~(, as the case may be,)~~) his or her application for such,
9 together with the certificate of the physician who attended him or her.
10 An application form developed by the department shall include a notice
11 specifying the worker's right to receive health services from a
12 physician of the worker's choice under RCW 51.36.010, including
13 chiropractic services under RCW 51.36.015, and listing the types of
14 providers authorized to provide these services.

15 (b) The worker's employer or the physician who attended the injured
16 worker, as the case may be, shall inform the injured worker of his or
17 her rights under this title and lend all necessary assistance in making
18 this application for compensation and such proof of other matters as
19 required by the rules of the department without charge to the worker.

1 The department shall provide physicians and employers with a manual
2 which outlines the procedures to be followed in applications for
3 compensation involving occupational diseases, and which describes
4 claimants' rights and responsibilities related to occupational disease
5 claims.

6 (2) If the application required by this section is:

7 (a) Filed on behalf of the worker by the employer or physician who
8 attended the worker, the employer or physician may transmit the
9 application to the department electronically using facsimile mail;

10 (b) Filed on behalf of the worker by the physician who attended the
11 worker, the worker shall give his or her employer notice of the claim
12 within ten days of the worker's visit to the physician;

13 (c) Made to the department (~~and~~), the worker shall give his or
14 her employer notice of the claim within ten days of the filing. If the
15 employer has not received a copy of the application, the department
16 shall immediately send a copy of the application to the employer; or

17 (~~(c)~~) (d) Made to (~~a self-insured~~) an employer, the employer
18 shall forthwith send a copy of the application to the department.

19 (3) The department shall develop forms to assist the worker in
20 expediently notifying his or her employer of a claim.

21 NEW SECTION. Sec. 2. This act takes effect January 1, 2009.

--- END ---