

From: [MAUREEN WAR BROUCK](#)
To: [Schoesler, Sen. Mark](#); [Office State Actuary, WA](#)
Subject: RE: RCW 41.26.150 (1)
Date: Monday, July 13, 2020 11:33:40 AM
Attachments: [Mark Schoesler Chair SCPP.docx](#)

July 13, 2020

The Honorable Mark Schoesler, Chair Select Committee on Pension Policy
Mr. Matt Smith, State Actuary, Office of the State Actuary
Members of the Select Committee on Pension Policy

Dear Senator Schoesler, Mr. Matt Smith and Committee Members,

Last year in regards to the governance of the LEOFF 1 Retirement System, we contacted the Select Committee in an attempt to resolve a problem some members are having with the payment of medical expenses under RCW 41.26.150 (1) Sickness or Disability Benefits-Medical Services. Some LEOFF I Disability Boards are requiring the member or the family to pay the medical bills and then request a reimbursement from the employer. The reimbursement can take one or more months depending when the board meets and the policy of the employer in making the reimbursement payments. Quite often the member will receive a second bill before receiving the reimbursement for the first bill. This creates a real hardship on the member or family, particularly if the member is incapacitated. As you are aware medical bills can be in the thousands of dollars, much more than most families have in their checking accounts. An additional problem is that many of the LEOFF I members are in their mid-eighties and ninety plus years of age making this reimbursement policy an unnecessary problem for them.

Having been involved in 1970 when the LEOFF I Retirement System was established I can honestly state that this reimbursement policy was not the intent of the Legislature. As stipulated in RCW 41.26.150 (1): *“Whenever any active member, or any member hereafter retired, on account of service, sickness or disability, not caused or brought on by dissipation or abuse, of which the disability board shall be the judge, is confined in any hospital or in home, and whether or not confined, requires medical services, the employer shall pay for the active or retired member the necessary medical services not payable from some other source as provided for in subsection (2) of this section.”*

The Committee previously requested and received an Attorney General Opinion advising that it was not in the scope or authority of the Committee to instruct the disability boards how to administer the duties and responsibilities of the board.

I met with the Director of the Department Systems to ask if she would issue a WAC Rule under RCW 41.26.115 to clarify how the medical payments should be made. RCW 41.26.115 states: *“Director of retirement systems to adopt rules governing disability boards – Remand of orders not in accordance with rules.”* As of this date I am not aware of a WAC Rule being published.

On behalf of the 6,900 LEOFF I members, we request this issue be put on the Committee meeting agenda for consideration of a bill to amend RCW 41.26.150 to clarify and direct how the medical payment shall be made.

Thank you for your consideration of this very important issue. If necessary I can address this issue on a virtual committee meeting or at a public hearing.

Respectfully,

Richard C. Warbrouck
President Retired Firefighters of Washington