

## CHAPTER 129.

[H. B. 236.]

## AMENDMENTS OF MEDICAL AID ACT.

AN ACT relating to the compensation and medical and surgical care of workmen injured in extra hazardous employment, and amending Sections 6604-34, 6604-35, 6604-37, 6604-38, 6604-45 and 6604-46 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section 6604-34 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-34. Creation of Medical Aid Fund.

A fund is hereby created in the state treasury to be known as the medical aid fund. Into it shall be paid by each employer on or before the 15th day of June, 1917, and on or before the fifteenth day of each month thereafter for each day's work or fraction thereof done for him in extra hazardous employment in or during the preceding calendar month the following amount, to-wit: In class A one cent, in class B one and one-half cents, in class C two cents, in class D two and one-half cents and in class E three cents. Any such monthly payment in any class may be omitted for and during any month or months if the state medical aid board shall certify that the accumulated fund is sufficient to permit such omission. Any monthly payment may be increased by the state medical aid board if they find, and to the extent to which they find the fund on hand, together with the current payments, will be insufficient to meet the anticipated demands thereon for the ensuing month. Notice of any such increase shall be mailed to each employer at least twenty days prior to the due date of payment, and shall be

Medical  
aid fund.

Payments  
into fund.

communicated by the employer to his employes. The employer shall deduct from the pay of each of his workmen engaged in extra hazardous work one-half of the amount the employer is required by the foregoing provision of this section to pay into said fund for or on account of the employment of such workman. The collection of the payments in this section provided for, and the keeping of accounts of collection, shall be in the hands and within the powers and duties of the state industrial insurance commission, and the expense of such bookkeeping, collection, necessary auditing and investigation of payrolls, shall be paid out of the administration fund of said commission. The files and records of the Industrial Insurance Department and those of the state medical aid board shall be subject to the reasonable use thereof by the other body, and the Industrial Insurance Department shall furnish the state medical aid board all data available to the department required by the state board.

SEC. 2. That Section 6604-35 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-35. Medical, Surgical and Hospital Treatment.

Upon the occurrence, after June 30, 1917, of any injury to a workman entitled to compensation under the provisions of said section 6604, other than section 6604-19, thereof, he shall receive in addition to such compensation, and out of the medical aid fund, proper and necessary medical and surgical services, at the hands of a physician of his own choice if conveniently located and proper and necessary hospital care and services during the period of his disability from such injury, but the same shall be limited in point of duration as follows: In case of permanent partial disability not to extend beyond the date when compensation shall be awarded him out of the acci-

Compensation from fund.

dent fund, in case of temporary disability not to extend beyond the time when the monthly allowances to him out of the accident fund shall cease, in case of a permanent total disability not to extend beyond the date on which a lump sum settlement is made with him or he is placed upon the permanent pension roll. But after any injured workman shall have returned to his work his medical and surgical treatment may be continued at the expense of the medical aid fund if, and so long as, such continuation is deemed by the State Board to be necessary to his completer recovery. In order to authorize such continued treatment in any case the written order of the State Board issued in advance of the continuation shall be necessary. Every employer, who employs less than fifty workmen, shall keep at his plant a first aid kit equipped as required by the state board with materials for first aid to his injured workmen. Every employer, who employs within a radius of one-half mile of any plant or establishment fifty or more workmen, shall keep there one first aid station equipped as required by the state board with materials for first aid to his injured workmen. The maintenance of such first aid kits and stations shall be deemed to be a part of any educational standards established under the provisions of sections 6604-55 and 6604-57. When the injury to any workman is so serious as to require his being taken from the place of injury to a place of treatment, his employer shall, at his own expense and without charge against the medical aid fund, furnish transportation to the nearest place of proper treatment. Every workman whose injury shall result in the loss of limb or eye shall be once provided by the state board at the expense, not to exceed the sum of One Hundred Sixty-five Dollars (\$165.00) in any case, of the accident fund, out of which his compensation shall come, an arti-

First aid  
kits.

Transporta-  
tion for  
treatment.

Loss of eye  
or limb.

ficial substitute. Every workman, who shall suffer a penetrating wound of the cornea producing an error of refraction, shall be once provided by his local aid board at the expense of the accident fund, out of which his compensation shall come, proper and properly equipped lenses to correct such error of refraction, and his disability rating shall be based upon the corrected result. A workman, whose injury is of such short duration as to bring him within the provisions of subdivision L of section 6604-5, shall nevertheless receive during the omitted period medical, surgical and hospital care and service and transportation under the provisions of this section.

Temporary injuries.

SEC. 3. That section 6604-37 of Remington & Ballinger's Codes and Statutes of Washington be amended to read as follows:

Section 6604-37. Duties of Medical Aid Board.

Duties of board.

It shall be the duty of the state board to supervise and control the administration of the rules, regulations and practices promulgated by it and the details thereof, and it shall have supervisory power over the acts and practices of the local aid boards.

SEC. 4. That section 6604-38 of Remington & Ballinger's Codes and Statutes of Washington be amended to read as follows:

Section 6604-38. The state board shall consist of three members as follows. Two members shall be appointed by the governor. Any state wide association of workmen whose organization purposes shall first include or be made to include the making of such nominations and whose membership is open to all classes of workmen engaged in extra-hazardous work, may nominate to the governor two of its members, and one of said nominees shall be appointed by the governor, and his term of office shall be six years. Any association of employers, whose organization purposes shall include or be made to

State medical aid board.

Appointment, terms and compensation.

include the making of such nominations, and whose membership is open to employers of all classes engaged in extra hazardous work, or if there be more than one such association, a combination of them may nominate to the governor two of their members, and one of said nominees shall be appointed by the governor and his term of office shall be three years. After the expiration of said terms, and to fill vacancies, the same method of nomination and appointment shall obtain. After the expiration of said terms the term of office of each of the said two members shall be six years. The governor shall notify the proper organizations in advance of any appointment. If nominations are not made within thirty days following such notification, the governor shall be free to make his own selection for the office, except that if there is a member who was appointed without precedent nomination the new appointee must be of a political party other than that of the governor. Every member shall serve until his successor is appointed and qualified. Each of said two members shall receive as compensation the sum of ten dollars (\$10.00) for each day or part thereof, not to exceed one hundred days in any calendar year, on which he shall attend a meeting of the state board, and all members shall also receive their traveling expenses, all to be paid out of the medical aid fund upon voucher and audit, as required for other payments out of said fund.

The third member shall be appointed by the said two members. He must be a physician and surgeon qualified to practice under the laws of the state. He shall be chairman of the said board. His term of office shall be six years. He shall receive a salary of five hundred dollars (\$500.00) per month payable out of the medical aid fund upon like voucher and audit.

The action of a majority of the members shall be the action of the state board. The state board shall execute its powers in sessions to be held at the state capitol or at such other place or places as it may select and so often as it shall determine. Meetings may be called by any member upon not less than five days' notice given in writing to the other members, but previous notice of any meeting attended by all three members may be dispensed with.

Board sessions.

The state board may employ, and at will discharge, a secretary at a monthly salary to be fixed by them not exceeding two hundred and fifty dollars (\$250.00), to be paid from the medical aid fund on voucher and audit. It shall be his duty to attend their meetings, keep a record of the proceedings thereat, keep on separate file all reports made to the board, and perform such other services as may be required by the rules or regulations or by directions given him. The absence of any member of the state board from any three consecutive regularly called meetings shall forthwith terminate his term of office and create a vacancy therein, unless such absence shall be due to his illness or shall be excused by resolution of the state board passed and entered of record at one of said three meetings.

Secretary.

Vacancies in board.

The chairman shall devote to the performance of his said duties all of his time and attention during the office hours of each day, and he shall not engage in private practice. The state board shall have power to incur such expense, payable out of the medical aid fund, for clerical assistance as they shall deem necessary, not to exceed the sum of Ten Thousand Dollars (\$10,000.00) a year.

Clerical assistance.

SEC. 5. That section 6604-45 of Remington & Ballinger's Codes and Statutes of Washington be amended to read as follows:

Section 6604-45. Contracts Invalid Unless Approved by Medical Aid Department.

Any contract made in violation of this act shall be invalid, except that any employer engaged in extra hazardous work may with the consent of a majority of his workmen, enter into written contracts with physicians, surgeons and/or owners of hospitals operating the same, or with hospital associations, for medical, surgical and hospital care to workmen injured in such employment by and under the control and administration of and at the direct expense of the employer and his workmen. Such a contract shall not be assignable or transferable by operation of law or otherwise except with the consent of the state board endorsed thereon. Before any such contract shall go into effect it shall be submitted to the state board, and may be disapproved by the state board when found not to provide for such care of injured workmen as is contemplated by the provisions of section 6604-36, and if a contract so submitted be with the owner of a hospital operating the same, or with a hospital association, the state board shall have power to disapprove the same if in their judgment the ownership or management of such hospital or hospital association will not be such as to produce satisfactory service. Any such contract with physician, surgeon, or owner and operator of a hospital, or with a hospital association, so disapproved shall not be valid. Otherwise it shall be approved and take and continue in effect for any period of time specified therein, not exceeding three years from the date of such approval. Every such contract to be valid must provide that the expenses incident to it shall be borne one-half by the employer and one-half by such employes, and that it shall be administered by the two interests jointly and equally. So long as such contract shall be in effect the subject matter of the con-

Contracts for medical aid.

Approval of state board necessary.

tract shall (except as in this section otherwise provided) be outside of and not affected by the provisions of sections 6604-33 to 6604-44, inclusive, and section 6604-46, other than the provisions of Section 6604-35 relating to artificial substitutes and lenses and the basis of compensation when lenses supplied, and to transportation of injured workmen, and to educational standards of safety, and other than the provisions of section 6604-40 relating to the analyses and reports of accidents by local aid boards, and the employer shall not be required to make the payments specified in section 6604-34, except that the employer shall pay monthly into the medical aid fund ten per centum of the amount he would have been required to pay in that month if such contract had not been made, and of that ten per centum he shall collect one-half from his said workmen by proper deduction from the daily wage of each. During the operation of any such contract any interested workman may complain to the state board that the service and care actually rendered thereunder are not up to the standard provided in section 6604-36, and if upon a hearing had upon notice to the employer and workmen interested thereunder, the state board shall sustain the complaint, it may make an order that the contract shall terminate unless the defect or deficiency complained of shall be remedied to its satisfaction within a period of time to be fixed in such order. Notice to the workmen may be effected in the manner provided in section 6604-33. The employer or any interested workman may appeal from such decision to the courts in the manner provided in section 6604-20. During the appeal the contract shall remain in force and operation, but the costs of the appeal shall be paid out of the medical aid fund only in case the decision of the state board is reversed by the court. If during the operation of any such contract, any

Complaints  
of workmen.

Hearings  
and appeals.



Emergency  
treatment.

injured workman shall not receive medical or surgical treatment with reasonable promptness upon the occurrence of his injury, or at any time during his treatment, his local aid board may provide such treatment during the emergency at the expense of his employer, who may charge such expense against such contract, and such emergency treatment shall continue until supplanted by like treatment under such contract, notwithstanding the pendency of an appeal from such action of the local aid board. The cost of such emergency treatment shall not exceed the rates specified in the fee bill provided by section 6604-36. The acceptance of employment by any workman shall be and be held to be an acceptance of any existing contract made under this section to which his employer is a party, or to the choice of any member of the local board having jurisdiction of the workmen in such employment, and of any contract then existing entered into by such local board.

Assent to  
contracts.

Prior  
contracts  
validated.

SEC. 6. No contract for medical, surgical, or hospital care of injured workmen entered into prior to the time this act shall go into effect shall be invalidated by anything in this act contained.

SEC. 7. That section 6604-46 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-46. Collection and Disbursement of Funds.

Relation  
between aid  
and com-  
pensation  
acts.

The provisions of Section 6604-1 to 6604-32, inclusive, shall be applicable to the collection of the medical aid fund, to the powers and duties of the state and local boards, and to the medical, surgical and hospital care of injured workmen only so far as they are not inconsistent with the provisions of sections 6604-33 to 6604-120, inclusive. Disbursements for the salaries of the secretary and office employees, and for the office and printing expenses of

the state board, and in the payment of bills incurred for the medical, surgical, or hospital care of injured workmen shall be made by warrants drawn against the medical aid fund by the state auditor upon certificate thereof or requisition therefor signed by the members of the state board or a majority thereof.

Warrants  
against  
fund.

Passed the House, March 3, 1919.

Passed the Senate, March 10, 1919.

Approved by the Governor March 15, 1919.

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## CHAPTER 130.

[H. B. 235.]

### ADDITIONAL PROVISIONS RELATING TO INDUSTRIAL INSURANCE.

AN ACT relating to industrial insurance, to the medical and surgical care of injured workmen, providing certain means for the prevention and avoidance of injuries to workmen, and amending Sections 6604-39 and 6604-40 of and adding Sections 6604-48 to 6604-120 (both inclusive) to Remington & Ballinger's Annotated Codes and Statutes of Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That there be added to Remington & Ballinger's Annotated Codes and Statutes of Washington a new section to be known as Section 6604-48, as follows:

Section 6604-48. Sections 6604-48 to Sections 6604-120, inclusive, shall apply to all and only those establishments, those employers, and those workmen who are or shall be under the jurisdiction of the Industrial Insurance Department.

Application  
of act.

SEC. 2. That there be added to Remington & Ballinger's Annotated Codes and Statutes of Wash-