

available to another party under the rules of pretrial discovery for causes pending in the superior courts.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act are each added to chapter 49.12 RCW.

Passed the House April 25, 1985.

Passed the Senate April 19, 1985.

Approved by the Governor May 16, 1985.

Filed in Office of Secretary of State May 16, 1985.

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## CHAPTER 337

[Engrossed Substitute House Bill No. 1082]

### ACCIDENT AND MEDICAL AID FUND PREMIUMS—EXPERIENCE AND RETROSPECTIVE RATING

AN ACT Relating to retrospective and experience rating for accident and medical aid fund premiums under industrial insurance; adding a new section to chapter 51.36 RCW; and creating new sections.

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

NEW SECTION. Sec. 1. It is the intent of the legislature to require the department of labor and industries to implement experience rating and retrospective rating of both accident and medical aid fund premiums no later than January 1, 1989.

The legislature believes that experience rating industrial insurance premiums is a proven method of rewarding employers who promote workplace safety and can provide a significant incentive for employers and employees to reduce work related injuries. However, the legislature finds that before experience rating is implemented it is necessary to study its potential impact on small and large employers.

NEW SECTION. Sec. 2. The department of labor and industries shall report to the commerce and labor committees of the house of representatives and senate no later than December 1, 1986, regarding its plan to implement experience and retrospective rating of the medical aid fund premium, and the impact of experience rating on employer and employee medical aid fund premium rates, including but not limited to the average change in premium rates and the maximum and minimum modification factors for small and large employers.

NEW SECTION. Sec. 3. A new section is added to chapter 51.36 RCW to read as follows:

An employer may request review of billings for any medical and surgical services received by a worker by submitting written notice to the department. The department shall investigate the billings and determine whether the worker received services authorized under this title. Whenever such medical or surgical services are determined to be unauthorized, the

department shall not charge the costs of such services to the employer's account.

Passed the House April 24, 1985.

Passed the Senate April 22, 1985.

Approved by the Governor May 16, 1985.

Filed in Office of Secretary of State May 16, 1985.

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## CHAPTER 338

[Engrossed Substitute House Bill No. 1085]

### DEPARTMENT OF LABOR AND INDUSTRIES—PROMPT ACTION ON CLAIMS AND BILLINGS

AN ACT Relating to prompt actions by the department of labor and industries; amending RCW 51.36.080; and adding a new section to chapter 51.28 RCW.

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

Sec. 1. Section 55, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.080 are each amended to read as follows:

(1) All fees and medical charges under this title shall conform to regulations promulgated by the director and shall be paid within sixty days of receipt by the department of a proper billing in the form prescribed by department rule or sixty days after the claim is allowed by final order or judgment, if an otherwise proper billing is received by the department prior to final adjudication of claim allowance. The department shall pay interest at the rate of one percent per month, but at least one dollar per month, whenever the payment period exceeds the applicable sixty-day period on all proper fees and medical charges.

Beginning in fiscal year 1987, interest payments under this subsection may be paid only from funds appropriated to the department for administrative purposes. A record of payments made under this subsection shall be submitted twice yearly to the commerce and labor committees of the senate and the house of representatives and to the ways and means committees of the senate and the house of representatives.

Nothing in this section may be construed to require the payment of interest on any billing, fee, or charge if the industrial insurance claim on which the billing, fee, or charge is predicated is ultimately rejected or the billing, fee, or charge is otherwise not allowable.

(2) The director may establish procedures for selectively or randomly auditing the accuracy of fees and medical billings submitted to the department under this title.

NEW SECTION. Sec. 2. A new section is added to chapter 51.28 RCW to read as follows: