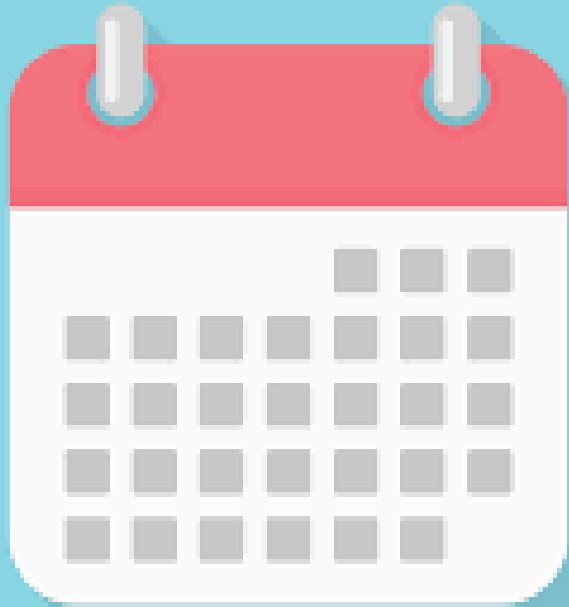




Washington State Department of
Labor & Industries

Update 2022



Reopening Revision

RCW 51.28.040

Brief History

- Reopening Effective date could only be up to 60 days prior receipt of a Reopening Application.
- Department has sole authority on reopening decisions and effective dates.

The Problem

- Periodically, situations exist where a worker started treating more than 60 days prior to submission of the application and submission of application was delayed due to no fault of the worker.

What Has Not Changed

- The department still has sole authority on reopenings.
- This includes the final determination and setting the reopening effective date.

The Change

- Reopening effective date can be up to 60 days prior to the application received date. Under certain circumstances, that can be extended to 120 days.
- Extension must be in line with RCW 51.28.040.

RCW 51.28.040

- Benefits will be allowed for periods up to 60 days prior to the receipt of application, or 120 days if:
 - The application was not received by the department or self-insurer within 60 days of medical services, due to a failure of the treating provider to timely complete or submit the provider information section of the application; **AND**
 - The worker demonstrates that their information section was completed and submitted via certified mail or electronic verification of receipt to the department, self-insurer, or the treating provider within 30 days of medical services.

Example

- Worker completed and submitted their portion of the Reopening Application to the Attending Provider on 4/7/2022 and saw the Attending Provider 4/10/2022.
- Provider submits their portion, and the worker's request, on 7/6/2022.
- Setting Effective date at 4/10/2022 would be appropriate, as the worker submitted their required information, but the provider did not submit their information timely.

Effective Date

- RCW 51.28.040 became effective 6/9/2022.
- WAC 296-20-097 is currently being worked on and an announcement will go out when it is updated.

Questions?

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