RCW 51.28.010 Notice of accident—Notification of worker's rights—Claim suppression. ***(Effective until June 30, 2027.)*** (1) Whenever any accident occurs to any worker it shall be the duty of such worker or someone in his or her behalf to forthwith report such accident to his or her employer, superintendent, or supervisor in charge of the work, and of the employer to at once report such accident and the injury resulting therefrom to the department pursuant to RCW 51.28.025 where the worker has received treatment from a physician, osteopathic physician, chiropractor, naturopath, podiatric physician, optometrist, dentist, licensed *advanced registered nurse practitioner, physician assistant, or psychologist in claims solely for mental health conditions, has been hospitalized, disabled from work, or has died as the apparent result of such accident and injury.

(2) Upon receipt of such notice of accident, the department shall immediately forward to the worker or his or her beneficiaries or dependents notification, in nontechnical language, of their rights under this title. The notice must specify the worker's right to receive health services from a provider of the worker's choice under RCW 51.36.010(2)(a), including chiropractic services under RCW 51.36.015, and must list the types of providers authorized to provide these services.

(3) Employers shall not engage in claim suppression.

(4) For the purposes of this section, "claim suppression" means intentionally:

(a) Inducing employees to fail to report injuries;

(b) Inducing employees to treat injuries in the course of employment as off-the-job injuries; or

(c) Acting otherwise to suppress legitimate industrial insurance claims.

(5) In determining whether an employer has engaged in claim suppression, the department shall consider the employer's history of compliance with industrial insurance reporting requirements, and whether the employer has discouraged employees from reporting injuries or filing claims. The department has the burden of proving claim suppression by a preponderance of the evidence.

(6) Claim suppression does not include bona fide workplace safety and accident prevention programs or an employer's provision at the worksite of first aid as defined by the department. The department shall adopt rules defining bona fide workplace safety and accident prevention programs and defining first aid. [2023 c 171 s 3; 2007 c 77 s 1; 2004 c 65 s 3; 2001 c 231 s 1; 1977 ex.s. c 350 s 32; 1975 1st ex.s. c 224 s 4; 1971 ex.s. c 289 s 5; 1961 c 23 s 51.28.010. Prior: 1915 c 188 s 9; 1911 c 74 s 14; RRS s 7689.]

***Reviser's note:** The term "advanced registered nurse practitioner" was changed to "advanced practice registered nurse" by 2024 c 239 s 1, effective June 30, 2027.

Effective date—Retroactive application—2023 c 171: See note following RCW 51.04.050.

Implementation—2007 c 77: "The department of labor and industries shall adopt rules necessary to implement this act." [2007 c 77 s 4.]

Report to legislature—Effective date—Severability—2004 c 65: See notes following RCW 51.04.030.

Effective date—2001 c 231: "This act takes effect January 1, 2002." [2001 c 231 s 4.]

Effective date—1975 ex.s. c 224: See note following RCW 51.04.110.

Effective dates—Severability—1971 ex.s. c 289: See RCW 51.98.060 and 51.98.070.

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(6) Claim suppression does not include bona fide workplace safety and accident prevention programs or an employer's provision at the worksite of first aid as defined by the department. The department shall adopt rules defining bona fide workplace safety and accident prevention programs and defining first aid. [2025 c 58 s 5113; 2023 c 171 s 3; 2007 c 77 s 1; 2004 c 65 s 3; 2001 c 231 s 1; 1977 ex.s. c 350 s 32; 1975 1st ex.s. c 224 s 4; 1971 ex.s. c 289 s 5; 1961 c 23 s 51.28.010. Prior: 1915 c 188 s 9; 1911 c 74 s 14; RRS s 7689.]

Effective date—2025 c 58 ss 5058-5170: See note following RCW 7.68.030.

Explanatory note—2025 c 58: See note following RCW 1.16.050.

Effective date—Retroactive application—2023 c 171: See note following RCW 51.04.050.

Implementation—2007 c 77: "The department of labor and industries shall adopt rules necessary to implement this act." [2007 c 77 s 4.]

Report to legislature—Effective date—Severability—2004 c 65: See notes following RCW 51.04.030.

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