



Administrative Policy No. 9.02

Subject: Benefits for Employees Assaulted by Residents/Clients

Information Contact: DSHS Enterprise Risk Management Insurance Services
MS: 45882 – Tel: (360) 902-7699

Authorizing Source: [Chapter 72.01 RCW](#)
[Chapter 74.04 RCW](#)

Effective Date: November 1, 1987

Revised: December 23, 2024

Approved By: **Original approved by Pearlette J. Ramos**
Senior Director, Office of Justice and Civil Rights

Purpose

This policy provides for consistent interpretation of statutory requirements and guidance for the assault benefits program and claims adjudication.

Scope

This policy applies to all Department of Social and Health Services (DSHS) employees performing authorized activities in institutions and to adult protective services employees assaulted while discharging their assigned duties.

Only APS employees under [74.04.790](#) and all employees in our state institutions under [72.01.045](#) are covered in this policy.

Under RCW [72.01.045](#), which states in part; "Assaults to employees—Reimbursement for costs. (1) For purposes of this section only, "assault" means an unauthorized touching of an employee by a resident, patient, or juvenile offender resulting in physical injury to the employee. (2) In recognition of the hazardous nature of employment in state institutions, the legislature hereby provides a supplementary program to reimburse employees of the department of social and health services, ... for some of their costs attributable to their being the victims of assault by residents, patients, or juvenile offenders. This program shall be limited to the reimbursement provided in this section."

Under RCW [74.04.790](#), which states in part; "Assault" means an unauthorized touching of a adult protective services worker employed by the department of social and health services

resulting in physical injury to the employee.

Definitions:

Assault means a resident or client's unauthorized touching of an employee that results in physical injury to the employee.

Institution is defined as a facility for patients, residents, or clients operated by DSHS.

For the purposes of this policy, under RCW 74.04.790, person/client means any individual that an adult protective service employee needs to interact with in order to perform their job duties.

For the purposes of this policy, under RCW 72.01.045, resident means any person residing in or receiving services at a DSHS institution.

Unauthorized touching means any physical contact (including use of an object to make physical contact) initiated by a resident of a DSHS institution or by a person/client outside an institution setting.

Policy

- A. Criteria listed in [RCW 72.01.045](#) must be met for employees to receive assault benefits. Criteria listed in [RCW 74.04.790](#) must be met for adult protective service employees to receive assault benefits.
- B. The insurance services claims program, within the enterprise risk management office (ERMO), administers the assault benefits program, as authorized by [RCW 72.01.045 \(3\)](#) and [RCW 74.04.790 \(3\)](#). The administrator of the assault benefits program in the insurance services claims program, is responsible for:
 - 1. Providing consistency in the application of assault benefits administered within DSHS.
 - 2. Establishing procedures as necessary to administer the assault benefits program.
 - 3. Adjudicating claims in accordance with [RCW 72.01.045](#) and [RCW 74.04.790](#),
 - 4. Notifying the claimant, copied to their supervisor, human resources, and payroll of decision authorizing or denying assault benefits claims.
 - 5. Advising management representatives as necessary and participating in the grievance process associated with the assault benefits program.

6. Providing assault benefits program training to human resource consultants, payroll fiscal analysts, and others as requested.
7. Collecting and providing data that summarizes claim volume and program cost.

Procedures

A. Employee responsibility

1. If you believe your injury was the result of an assault as defined in this policy, complete the [web report of work related injury/close call](#). If there were witnesses, request witnesses to complete the witness report of possible client assault form [03-389A](#).
2. If your assault benefits claim is approved, you will receive notification of approval by the insurance services claims program.
3. If the insurance services claims program denies your assault benefits claim, you may make a written request to have the decision reconsidered. In your letter, you should provide:
 - The reason(s) your assault benefits claim should be accepted; and
 - Additional information, if applicable.

Send your reconsideration request to the insurance services claims program, MS: 45882, attention program manager and a copy to your appointing authority. Alternatively, you can email your request directly to your assigned industrial insurance consultant with a copy to your appointing authority.

4. Represented employees who disagree with the reconsideration decision from the insurance services claims program may contact their union representative for assistance in filing a grievance under the collective bargaining agreement.
5. Non-represented employees who disagree with the reconsideration decision from insurance services claims program may file a grievance in accordance with [administrative policy 18.61](#).

B. Institution or appointing authority responsibility

1. Gather and send documentation regarding the incident, to insurance services claims program, MS: 45882.
2. Send a copy of any grievance filed by a union or an employee on an assault

benefits decision to the insurance services claims program, MS: 45882, attention program manager. Alternatively, you can email your request directly to your assigned industrial insurance consultant with a copy to your appointing authority.

C. Insurance services claims program responsibility

1. Approve or deny the request for reimbursement for assault benefits. Send notification to the employee, employee's supervisor, human resources, and payroll.
2. If the employee requests reconsideration of denied assault benefits, forward the request to the insurance services claims program manager for review.
3. Send the reconsideration decision to the employee copied to their appointing authority. Send a copy to human resources and payroll when a decision has been overturned.
4. If a grievance is filed based on the reconsideration request, participate in the grievance process as needed.