



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: September 04, 2018

TIME: 10:50 AM

WSR 18-18-080

Agency: Department of Labor and Industries

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

- Preproposal Statement of Inquiry was filed as WSR 18-09-075 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or
- Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Chapter 296-15 WAC, Workers' Compensation Self-Insurance Rules and Regulations.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
October 29, 2018	11:00 am	Northwest Regional Training Center (NWRTC) Rainier Room 11606 NE 66 th Cir Ste 103 Vancouver, WA 98662	For directions to NWRTC: https://www.google.com.gt/maps/dir//Northwest+Regional+Training+Center,+11606+NE+66th+St+%23103,+Vancouver,+WA+98662,+United+States/@45.6713097,-122.5559612,17z/data=!4m8!4m7!1m0!1m5!1m1!1s0x5495b01867fa1451:0x6860dd4a217a8ff6!2m2!1d-122.5537672!2d45.6713097?hl=en
October 30, 2018	10:00 am	Washington State Department of Labor and Industries Auditorium 7273 Linderson Way SW Tumwater, WA 98501	For directions to L&I: https://www.lni.wa.gov/Main/ContactInfo/OfficeLocations/
October 30, 2018	2:00 pm	Washington State Department of Labor and Industries Tukwila Service Location Room C30 12806 Gateway Dr S Tukwila, WA 98168	For directions to L&I: https://www.lni.wa.gov/Main/ContactInfo/OfficeLocations/tukwila.asp
October 31, 2018	10:00 am	Spokane CenterPlace Auditorium 2426 N Discovery Pl Spokane Valley, WA 99216	For directions to Centerplace: http://www.centerplacespokanevalley.com/map_09.pdf

Date of intended adoption: December 4, 2018 (Note: This is NOT the effective date)

Submit written comments to:

Name: KC Wilkerson
Address: PO Box 44890, Olympia, WA 98504-4890
Email: kc.wilkerson@lni.wa.gov

Fax: 360-902-6977

Other:

By (date) November 1, 2018

Assistance for persons with disabilities:

Contact KC Wilkerson

Phone: 360-902-6851

Fax: 360-902-6977

TTY:

Email: kc.wilkerson@lni.wa.gov

Other:

By (date) October 15, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Existing rules are outdated and lead to inefficient processes for workers, employers and the Department. The goals of the new rules are to create more focused intervention and adjudication for the Department, establish more efficient lines of communication for workers and ensure greater certainty for employers. Also included in the rule changes are language clarifications as well as a change to WAC 296-15-4316 that will bring it back into alignment with statute regarding the termination of time loss benefits when Option 2 is selected.

Reasons supporting proposal: See above

Statutory authority for adoption: RCW 51.04.020

Statute being implemented: n/a

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: n/a

Name of proponent: (person or organization) Department of Labor and Industries Private Public Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Jim Nylander, Prog. Mgr.	Tumwater, Washington	360-902-6907
Implementation:	Vickie Kennedy, Asst Dir.	Tumwater, Washington	360-902-4997
Enforcement:	Vickie Kennedy, Asst Dir.	Tumwater, Washington	360-902-4997

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name: KC Wilkerson
Address: PO Box 44890, Olympia, WA 98504-4890
Phone: 360-902-6851
Fax: 360-902-6977
TTY:
Email: kc.wilkerson@lni.wa.gov
Other:

No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- | | |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4).

Explanation of exemptions, if necessary: The proposed rule does not affect small businesses. .

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:

Email:
Other:

Date: September 4, 2018

Name: Joel Sacks

Title: Director, Department of Labor & Industries

Signature:

A handwritten signature in black ink that reads "Joel Sacks". The signature is written in a cursive style with a large initial 'J' and 'S'.