

Governor Chris Gregoire issued Executive Order 10-06 on November 17, 2010, directing state agencies to suspend development and adoption of non-critical rules through December 31, 2011.

Governor Gregoire issued Executive Order 11-03 on October 11, 2011, extending the rule moratorium through December 31, 2012.

This spreadsheet summarizes the Department of Labor and Industries' plans for rulemaking in response to the rule moratorium.

Division	Rule Topic	Response to a Petition?	Date of Last Rule Filing	Type of Last Rule Filing	Brief Description	Recommended Action During the Moratorium	Rationale
<b>Administrative Services (AS)</b>							
AS	Public Records	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	This rulemaking will update the WACs with the current agency organizational information, statutory references, Web links, and records request information.	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
<b>Crime Victims Compensation (CVC)</b>							
CVC	Crime Victims Compensation	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	This rulemaking is to update the mental health and attendant services rules to ensure consistency with Substitute Senate Bill 5691 (Chapter 346, Laws of 2011).	Proceed	Required to be in compliance with state law
CVC	Crime Victims Compensation	No	10/31/2011	CR-103 (Adoption)	This rulemaking updates four rules under Chapter 296-30 WAC and will add one rule to be consistent with Substitute Senate Bill 5691 (Chapter 346, Laws of 2011). The updates include removal of references to Title 51 RCW, addition or clarification of some definitions, an explanation of new medical cap, fee schedule changes, and fee schedule change notification methods.	Finalized	Required to be in compliance with state law
<b>Division of Occupational Safety and Health (DOSH)</b>							
DOSH	Cylinders (Acetylene)	No	4/17/2012	CR-105 (Expedited Proposal)	The Occupational Safety and Health Administration (OSHA) recently adopted changes to the acetylene standard, effective March 5, 2012. This rulemaking is to address the change to WAC 296-24-31001, Cylinders (Acetylene). This rulemaking will update the reference to a Compressed Gas Association standard in the existing acetylene standard by removing CGA G-1-2003 and replacing it with CGA G-1-2009. This rulemaking will ensure that employers have the latest safety requirements for managing acetylene.	Proceed	Required to be in compliance with federal law
DOSH	Electrical Rules	No	5/1/2012	CR-105 (Expedited Proposal)	In January of 2011, the Department of Labor and Industries (L&I) Division of Occupational Safety and Health (DOSH) was advised by the Federal Occupational Safety and Health Administration (OSHA) that L&I needed to amend our electrical rules in Chapter 296-24 WAC and Chapter 296-800 WAC in order for them to be as effective as those administered by OSHA. Consequently, L&I will be amending our rules to match those adopted by OSHA, as required by the Washington State Plan. To make the addition of OSHA's requirements easier, L&I will be renumbering the electrical section of Chapter 296-24 WAC.	Proceed	Required to be in compliance with federal law

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DOSH	Fire Fighting	No	8/31/2010	CR-102 (Proposal)	OSHA advised the department of a couple of areas in the firefighters standard where we are not as effective as the federal rules. Stakeholders asked us to look at our firefighter standards and bring them up-to-date with current consensus standards and practices.  <i>The CR-102 was considered withdrawn on 3/15/2011.</i>	Proceed	Regulated entities have requested this rule
DOSH	Logging	Yes	11/16/2010	CR-101 (Preproposal)	The department received several petitions for rulemaking in the logging standard. The department intends to meet with stakeholders to discuss the proposed changes and draft language to clarify our rules.	Proceed	Regulated entities have requested this rule; To protect public safety/health
DOSH	Shipyards	No	3/20/2012	CR-105 (Expedited Proposal)	On May 2, 2011, the Occupational Safety and Health Administration (OSHA) published a final rule on working conditions in shipyards. The rule updated existing requirements to reflect advances in industry practices and technology, and provided new protections from hazards that were not previously addressed, including the control of hazardous energy. The department is proposing to make identical amendments to our rules governing shipyards in Washington.	Proceed	Required to be in compliance with federal law
DOSH	Compressed Atmospheres	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	This rulemaking will address requirements relating to compressed atmospheres. The current requirements have not been amended since 1962 resulting in multiple variances that had to be issued to deal with these outdated requirements. Stakeholders have requested that this rule proceed.	Placeholder (permission to proceed will be requested at a later date)	To protect public safety/health; Regulated entities have requested this rule
DOSH	Construction Cranes	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	The department, in response to business and labor stakeholder concerns, is extending the date by which the requirement relating to written and practical testing requirements for qualified riggers is effective. This rulemaking will address this issue. In addition, the department is going to change language in the scope of the rule for clarification purposes and add language to the rule to be at least as effective as the federal rule.	Placeholder (permission to proceed will be requested at a later date)	Required to be in compliance with federal law; Regulated entities have requested this rule
DOSH	Electrical	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	The department is reviewing Chapter 296-45 WAC, Safety Standards for Electrical Workers, to determine areas where we may be “not at least as effective as” the federal standard. While updating another rule, there were areas of concern identified in Chapter 296-45 WAC that need to be looked at.	Placeholder (permission to proceed will be requested at a later date)	To protect public safety/health; Required to be in compliance with federal law

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DOSH	Fall Protection	No	4/4/2006	CR-101 (Preproposal)	In 2007, the Division of Occupational Safety & Health began working with a Fall Protection Ad Hoc Committee to consolidate the fall protection requirements of the construction safety rules into one coherent set of requirements. In addition, we asked the committee to help identify any technical changes needed due to industry developments and to ensure that any gap in current fall protection would be addressed and rectified by the rule update. Throughout the process, clear and concise language in the draft was a focal point.	Placeholder (permission to proceed will be requested at a later date)	To protect public safety/health
DOSH	Standards Improvement	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	This rulemaking is to comply with a federal Occupational Safety and Health Administration (OSHA) requirement to adopt rule changes consistent with the final rule of their Standards Improvement Project. It is the third in the OSHA Standards Improvement Projects initiative, which periodically reviews OSHA regulations with the goal of improving and eliminating those that are confusing, outdated, duplicative, or inconsistent.	Placeholder (permission to proceed will be requested at a later date)	Required to be in compliance with federal law
DOSH	DOSH Rules Overhaul	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	This rulemaking will consist of reorganizations and plain language changes.	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
DOSH	Monetary Penalties	No	11/16/2010	CR-101 (Preproposal)	OSHA is changing their policies and procedures for how they assess penalties. The department will be required to modify our rules to ensure they are “at least as effective as” OSHA’s new policies.	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
DOSH	REDON Fit Testing	No	8/31/2010	CR-105 (Expedited Proposal)	The department is responding to a Federal Register notice where OSHA updated their respirator requirements for the controlled negative pressure REDON fit testing protocol. The department is updating its rule to be identical to OSHA’s rule.  <i>The CR-105 was considered withdrawn on 3/15/2011.</i>	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
DOSH	Telecommunications	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	In 2009, the Division of Occupational Safety & Health began working with a telecommunications stakeholder group to develop draft language to update our current telecommunications standard bringing it up to date with industry standards. A CR-101 has not been filed yet, but extensive work and a draft have been completed. The next step is to review the economic impact.	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.

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DOSH	Abatement	No	1/3/2012	CR-103 (Adoption)	Engrossed Substitute Senate Bill 5068 (Chapter 91, Laws of 2011) directs the department to begin rulemaking requiring that serious, willful, repeated serious, and failure to abate serious violations be corrected while on appeal unless a stay is granted.	Finalized	Required to be in compliance with state law
DOSH	Construction Cranes (Phase II)	No	12/20/2011	CR-103 (Adoption)	This rule adoption is to address the requirements that employers must follow with regard to inspection, maintenance, and operation of cranes used in the construction industry. It also includes updates to current rigging and personnel lifting requirements. RCWs 49.17.400 through 49.17.440 require L&I to establish by rule a crane certification program for cranes used in the construction industry and to establish requirements that must be met to be considered a qualified crane operator. In addition, the Occupational Safety and Health Administration (OSHA) adopted their final rule. L&I's rule adoption includes requirements OSHA has in their rule in order for the Division of Occupational Safety and Health to be at least as effective as the federal rule.	Finalized	Required to be in compliance with federal law
DOSH	Construction Cranes	No	4/17/2012	CR-103 (Adoption)	The department repealed two sections in Chapter 296-155 WAC, Part L. The two sections repealed are: (1) WAC 296-155-526, Crane attached personnel platforms; and (2) WAC 296-155-528, Crane or derrick suspended personnel platforms. These sections should have been repealed in the recent adoption of the Cranes Phase II filing, which was adopted on December 20, 2011 (WSR 12-01-086). These sections are now covered under the personnel lifting requirements located in WAC 296-155-547 through 296-155-55405. The department also changed the title of Chapter 296-155 WAC, Part L, from "Cranes, Derricks, Hoists, Elevators, and Conveyors" to "Cranes, Rigging, and Personnel Lifting."	Finalized	Required to be in compliance with federal law
DOSH	Explosives	No	12/20/2010	CR-103 (Adoption)	Notification used to be required on the first day that the explosive materials are stored. Notification to the local fire safety authority was not required until the explosives are moved. This rulemaking makes notification an annual event. Prior to this change, explosives could be left in one location for years and only one notification to local fire safety authorities was required.	Finalized	To protect public safety/health
DOSH	Hazardous Drugs	No	1/3/2012	CR-103 (Adoption)	Engrossed Substitute Senate Bill 5594 (Chapter 39, Laws of 2011) requires the department to adopt rules implementing the 2004 National Institute for Occupational Safety and Health (NIOSH) Alert on safe handling of hazardous drugs.	Finalized	Required to be in compliance with state law

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DOSH	Hexavalent Chromium	No	12/1/2010	CR-103 (Adoption)	OSHA revised their hexavalent chromium standard to adopt new requirements related to the notification requirements in the exposure determination provisions. OSHA now requires employers to notify employees of the results of all hexavalent chromium exposure level monitoring results, not just exposures that exceed the PEL (permissible exposure limit). The department changed the current 15-day notification requirement to a 5-day notification requirement to be in line with OSHA's standard.	Finalized	Required to be in compliance with federal law
DOSH	Means of Egress	No	2/1/2011	CR-103 (Adoption)	The department is updated its means of egress rule language to make it clear that the minimum ceiling height is 7 feet 6 inches for an exit route. The language makes it clear that no projection from the ceiling can be less than 6 feet 8 inches from the floor, to be as effective as the OSHA equivalent rule.	Finalized	Required to be in compliance with federal law
DOSH	Safety and Health Investment Project (SHIP) Grants	No	1/17/2012	CR-103 (Adoption)	A component of Engrossed House Bill 2123 (Chapter 37, Laws of 2011, 1st Special Session) amends RCW 49.17 to provide permanent funding for the Safety and Health Investment Projects Grants Program. The amendments have been put into Washington Administrative Code (WAC) to make the rules consistent with the legislation and adopt the provisions dictated by statute.	Finalized	Required to be in compliance with state law
DOSH	Accident Prevention Program	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	This rulemaking is to address an inconsistency that currently exists among several rules. Each call for an employer to create an accident prevention program, but have differing requirements for that program. The rulemaking will clarify the requirements for an accident prevention program, and will provide a single location where these requirements are stated. This will create consistency across the rules, and make it easier for employers to comply. A CR-101 has not been filed.	Eliminate	Upon further review, rulemaking is not required.
DOSH	Chemicals	Yes	No Rule Filing Has Occurred	No Rule Filing Has Occurred	A letter from the U.S. Chemical Safety and Hazard Investigation Board was received by the Governor on October 15, 2010. This letter is considered a petition to the department to initiate rulemaking. The letter indicates that as gas blows remain a commonly used method for cleaning new fuel gas piping throughout the United States, despite its inherent dangers, the Chemical Safety Board strongly encourages the State of Washington to enact any necessary changes to state regulations and codes to prohibit the release of natural gas to the atmosphere during pipe cleaning operations at power plants and other similar facilities.	Eliminate	Upon further review, rulemaking is not required.

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DOSH	Eyewash	No	8/31/2010	CR-105 (Expedited Proposal)	This rulemaking will change the definition of “corrosive” in Chapter 296-800 WAC, Safety and Health Core Rules, so that it is identical to the definition of “corrosive” in Table 5 of Chapter 296-839 WAC, Content and Distribution of Material Safety Data Sheets (MSDSs) and Label Information. A reference also needs updating to reflect the most current American National Standards Institute's emergency eyewash and shower equipment standard.  <i>The CR-105 was considered withdrawn on 3/15/2011.</i>	Eliminate	Upon review, rulemaking is not required at this time.
<b>Insurance Services (Ins Svcs)</b>							
Ins Svcs	Classifications for Land Surveyors	No	3/6/2012	CR-101 (Preproposal)	A classification study was conducted on land surveying businesses. It was determined that land surveyors report approximately 10 percent of the total hours for risk classification 4901; however, they report approximately 42 percent of the claims. This rule filing is necessary to better align land surveying businesses with like degrees of hazard.	Proceed	Need to maintain fund solvency
Ins Svcs	Health Technology Clinical Committee (HTCC) Decisions	No	3/20/2012	CR-102 (Proposal)	The purpose of this proposal is to amend current WAC language to be consistent with Health Technology Clinical Committee (HTCC) decisions. On June 17, 2011, the HTCC adopted a final determination on spinal injections that conflicts with current WAC Chapter 296-20, Medical Aid Rules. References to transcutaneous, interferential, and percutaneous nerve stimulators will also be removed pursuant to a prior HTCC determination in 2010. Finally, HTCC decisions related to lumbar fusion in 2007 have been implemented, but rule language related to discograms and structured intensive multidisciplinary programs (SIMP) also needs to be amended.	Proceed	Required to be in compliance with state law
Ins Svcs	Independent Medical Examinations	No	3/20/2012	CR-101 (Preproposal)	L&I has already adopted new rules to implement provisions of Substitute Senate Bill 5801 (Chapter 6, Laws of 2011) that create minimum standards for treating providers in the medical provider network to treat injured workers of state fund and self-insured employers. Without amending the independent medical examination (IME) WACs, the standards for IME examiners will be inconsistent with standards for treating physicians.	Proceed	To protect public safety/health; To assist in long-term economic recovery
Ins Svcs	Retrospective Rating	No	3/20/2012	CR-101 (Preproposal)	Changes to the retrospective rating rules are necessary based on the adoption of 2011 legislation, Engrossed Substitute House Bill 1725 and Engrossed House Bill 2123. Specifically, rules will: (1) clarify that neither premiums paid nor reimbursements to employers for the Washington Stay at Work Program will be included in calculations for retro adjustments; (2) add new claim types specific to structured settlements; and (3) make changes and identify any information needed when retro employers pay for direct care services for their workers who have industrial injury or occupational disease claims.	Proceed	Required to be in compliance with state law

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Ins Svcs	Clarifying Medication Coverage	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	Medication WACs need to be amended to clarify that L&I does not cover non-FDA approved medications and to add a statement about drugs regulated outside of the country.	Placeholder (permission to proceed will be requested at a later date)	To protect public safety/health
Ins Svcs	Classifications for Agricultural Classes	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	This rule will clarify language and better organize sub-classifications in the agricultural industries.	Placeholder (permission to proceed will be requested at a later date)	Need to maintain fund solvency
Ins Svcs	Classifications for Entertainers	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	This rule will clarify language to remove subjective criteria and improve consistency of classification within this industry.	Placeholder (permission to proceed will be requested at a later date)	Need to maintain fund solvency
Ins Svcs	Management for Chronic Pain	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	L&I may need to amend its opioid rules in response to the Department of Health's rules and the Industrial Insurance Medical Advisory Committee's update of the L&I's opioid guidelines. Possible revisions include, but are not limited to, adding a new requirement for dosing consultations and episodic care, making sure that L&I forms are consistent with the DOH requirements, and addressing addiction treatment.	Placeholder (permission to proceed will be requested at a later date)	To protect public safety/health
Ins Svcs	School Reporting	No	8/3/2010	CR-101 (Preproposal)	This rulemaking is to update the way school faculty may be reported.	Placeholder (permission to proceed will be requested at a later date)	Regulated entities have requested this rule
Ins Svcs	Workers' Compensation Rates for 2013	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	L&I is required by law to establish and maintain a workers' compensation classification plan and to set premium rates that are the lowest necessary to maintain actuarial solvency of the accident and medical aid funds and are designed to attempt to limit fluctuations in premium rates. The plan must be consistent with recognized principles of insurance. L&I is also required by law to offer retrospective rating plans to employers as a further incentive to encourage workplace safety and prevent employee injury.	Placeholder (permission to proceed will be requested at a later date)	Need to maintain fund solvency

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Ins Svcs	Change of Ownership - Experience Modification Factor	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	This rulemaking is to simplify the change of ownership – experience modification factor rule. An ad hoc committee will be created to assist with the rule changes.	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
Ins Svcs	Claim Filing and Record-Keeping at On-Site Medical Facilities	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	The purpose of this rulemaking is to clarify the requirements for what records self-insured employers must maintain for on-site medical facilities, including when a claim must be filed.	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
Ins Svcs	Confidentiality of Workers' Compensation Claim Files	No	11/16/2004	CR-101 (Preproposal)	This rulemaking will define the responsibility of employers, workers, and other parties who have access to workers' compensation claim files for confidentiality and release of claim information.	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
Ins Svcs	Definition of Claim Arrival	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	The purpose of this rulemaking is to define claim arrival in order to provide clarity and increase consistency in determining timeframes for benefit eligibility.	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
Ins Svcs	Definition of First Aid	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	The purpose of this rulemaking is to define “first aid.” This will clarify when a claim does not need to be filed, and when one must be filed.	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
Ins Svcs	Definitions	No	5/3/2005	CR-101 (Preproposal)	This rulemaking will define terms used in Chapter 296-14 WAC and move definitions currently in Chapter 296-20 WAC to Chapter 296-14 WAC. The rulemaking will amend the definition of temporary partial disability.	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
Ins Svcs	Pension Discount Rates and Mortality Assumptions	No	6/20/2001	CR-101 (Preproposal)	This rulemaking will update the mortality assumptions used to determine pension reserves and actuarial benefit reductions.	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.

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Ins Svcs	Reporting Option 2 Vocational Costs to L&I	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	The purpose of this rulemaking is to clarify the process by which a self-insurer reports retraining costs for any claims upon which Option 2 benefits have been granted.	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
Ins Svcs	Self-Insurance Electronic Data Reporting System (SIEDRS) Requirements and Penalties	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	The purpose of this rulemaking is to clarify language regarding reporting requirements and penalties as they relate to SIEDRS.	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
Ins Svcs	Self-Insurance Housekeeping	No	8/20/2008	CR-101 (Preproposal)	The purpose of this rulemaking is to review Chapter 296-15 WAC for any corrections and to ensure consistency with statute. Affected rules will also be rewritten using "plain talk."	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
Ins Svcs	Suppressing Workers' Compensation Claims	No	6/5/2007	CR-101 (Preproposal)	The proposed rules will assist in the implementation of Substitute Senate Bill 5443 (Chapter 77, Laws of 2007). The proposed rulemaking will define bona fide workplace safety and accident prevention program and first aid, and establish the penalty structure for employers when there is a finding of claim suppression. Consideration will be given to when and how employers may be required to notify workers of a finding of claim suppression. In addition, the rulemaking may address additional issues identified in the rule development process.	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
Ins Svcs	Wages	No	4/22/2008	CR-101 (Preproposal)	This rulemaking will amend existing rules for consistency with Substitute House Bill 1244 (Chapter 297, Laws of 2007). A new rule will be added to clarify when the value of health care benefits is included in determining the worker's monthly wage.	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
Ins Svcs	90-Day Mail-Order Pharmacy	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	The State Auditor's Office has recommended that the department amend the Washington Administrative Code to allow low-cost mail-order pharmacies to provide 90-day prescriptions for permanently disabled workers who require ongoing prescriptions.	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.

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Ins Svcs	Claim Resolution Structured Settlement Agreements	No	1/3/2012	Emergency CR-103 (Emergency Adoption)	This rulemaking was necessary for the implementation of Engrossed House Bill 2123 (Chapter 37, Laws of 2011) allowing claim resolution structured settlements for injured workers age fifty-five and older effective January 1, 2012, fifty-three and older effective January 1, 2015, and fifty and older effective January 1, 2016.	Finalized	Required to be in compliance with state law; Need to maintain fund solvency
Ins Svcs	Claim Resolution Structured Settlement Agreements	No	3/20/2012	CR-103 (Adoption)	This rulemaking is necessary for the implementation of Engrossed House Bill 2123 (Chapter 37, Laws of 2011) allowing claim resolution structured settlements for injured workers age fifty-five and older effective January 1, 2012, fifty-three and older effective January 1, 2015, and fifty and older effective January 1, 2016.	Finalized	Required to be in compliance with state law; Need to maintain fund solvency
Ins Svcs	Classifications for Explosives Industry	No	12/1/2010	CR-103 (Adoption)	The department reviewed the rules relating to the work environment, equipment, and conditions in businesses operating in risk classification 4601, fireworks and explosives manufacturing, 2106, fertilizer and agricultural chemical dealers, and 3402, small arms manufacturing. With only 7 companies now reporting in 4601 we considered the similarities of the industries and a more up-to-date approach to the manufacturing and distribution of explosives.	Finalized	Regulated entities have requested this rule; Benefits small businesses
Ins Svcs	Classifications Housekeeping	No	5/22/2012	CR-103 (Adoption)	This rulemaking was adopted to make housekeeping updates to a number of reporting rules and classifications in the workers' compensation program. The adoption will correct text and reference errors, format for better readability, update language to reflect technology changes, and make classification instructions and/or definitions clearer. The amendments do not change any of our current reporting requirements.	Finalized	Need to maintain fund solvency; Beneficial to regulated entities
Ins Svcs	Continuing Education Requirements for Self-Insurance Claims Administrators	Yes	1/17/2012	CR-103 (Adoption)	In response to a petition for rulemaking, the department modified WAC 296-15-360, Qualifications of Personnel, which governs how an individual becomes a certified claims administrator, as well as how they maintain that status. The rule required that certified claims administrators choosing to renew via continuing education earn a total of 75 credits, including a minimum number of credits in five different categories. The modification reduces the number of categories to three without reducing the total number of credits required.	Finalized	Regulated entities have requested this rule
Ins Svcs	For-Hire Vehicle Industry	No	11/30/2011	CR-103 (Adoption)	This rulemaking amends five rules to implement Engrossed Substitute House Bill 1367 (Chapter 190, Laws of 2011). This law requires for-hire vehicle owners to cover drivers for workers' compensation insurance and mandates coverage for owners. These amendments provide three reporting options: a flat rate per vehicle per quarter; a flat rate per driver per quarter; or actual hours worked, if appropriate records are kept.	Finalized	Required to be in compliance with state law

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Ins Svcs	Horse Racing Industry	No	9/2/2011	CR-103 (Adoption)	This permanent rule has been adopted, consistent with the Washington Horse Racing Commission's rule, to permit discounted short-duration license fees at Class A, B, and C racing associations. Class A and B associations' short-duration licenses will be for three 30-day periods while Class C associations' licenses will allow three seven-day periods. The industrial insurance premiums for Classes A and B will be 33.3% of the full annual license fee; the premiums for Class C will be 20% of the annual license fee. This rulemaking followed an emergency rule filed by L&I on 6/21/2011.	Finalized	Regulated entities have requested this rule
Ins Svcs	Horse Racing Industry	No	6/21/2011	Emergency CR-103 (Emergency Adoption)	The Washington Horse Racing Commission adopted an emergency rule (WSR 11-09-077) permitting discounted short-duration license fees at Class A, B, and C racing associations. To be consistent with their change, Labor and Industries adopted this rule on an emergency basis. Class A and B associations' short-duration licenses will be for two thirty-day periods while Class C licenses will allow three seven-day limits. The industrial insurance fees associated with Classes A and B will be 33.3 percent of the full annual license fee; the fees associated with Class C will be 20 percent of the annual license fee.	Finalized	Regulated entities have requested this rule
Ins Svcs	Independent Medical Examinations	No	12/10/2010	CR-103 (Adoption)	The department's rules require board certification for providers to perform independent medical exams. This applies to all medical, osteopathic, and podiatric physicians as well as dentists. Because only dentists with specialties are board certified, we must change the rules to allow those in general dentistry to remain on the approved examiner list.	Finalized	Correction of an unintended consequence to a previous rule; Regulated entities have requested this rule; Benefits small businesses
Ins Svcs	Medical Aid Conversion Factors (2011 Update)	No	5/24/2011	CR-103 (Adoption)	This rulemaking updates conversion factors used to determine payments to medical providers.	Finalized	Required to be in compliance with state law; Need to maintain fund solvency
Ins Svcs	Medical Aid Conversion Factors, Physical Therapy Rules, and Occupational Therapy Rules (2012 Update)	No	5/22/2012	CR-103 (Adoption)	This rule updates conversion factors provided in WAC 296-20-135 and maximum daily fees provided in WAC 296-23-220 and WAC 296-23-230 for certain professional health care services for injured workers. Rule changes are necessary to maintain current overall fees for health care services, which are published annually in the Medical Aid Rules and Fee Schedules.	Finalized	Required to be in compliance with state law; Need to maintain fund solvency

Division	Rule Topic	Response to a Petition?	Date of Last Rule Filing	Type of Last Rule Filing	Brief Description	Recommended Action During the Moratorium	Rationale
Ins Svcs	Medical Provider Network and Expansion of Centers for Occupational Health and Education (COHEs) Phase I	No	1/3/2012	CR-103 (Adoption)	Substitute Senate Bill 5801 (Chapter 6, Laws of 2011) directs the Department of Labor & Industries (L&I) to establish a medical provider network to treat injured workers of employers insured with L&I and of self-insured employers. SSB 5801 also expands Centers for Occupational Health and Education (COHEs). Rules are necessary to implement the changes. The department is creating and/or amending necessary rules in phases to ensure timely completion of all required provisions. This initial set of rules includes establishing minimum standards for credentials of medical providers and other requirements for network participation and to define "risk of harm."	Finalized	Required to be in compliance with state law
Ins Svcs	Medical Provider Network and Expansion of Centers for Occupational Health and Education (COHEs) Phase II	No	3/6/2012	CR-103 (Adoption)	RCW 51.36.010, as amended by Substitute Senate Bill (SSB) 5801 (Chapter 6, Laws of 2011), directs L&I to establish a statewide medical provider network to treat injured and ill workers. SSB 5801 states that "Once the provider network is established in the worker's geographic area, an injured worker may receive care from a nonnetwork provider only for an initial office or emergency room visit." This amended rule language clarifies "initial visit." It also informs health care providers and workers as to what services may be provided by a nonnetwork provider and when care must be transferred to a network provider.	Finalized	Required to be in compliance with state law
Ins Svcs	Missed Medical Appointment Policy	Yes	2/21/2012	CR-103 (Adoption)	This rulemaking clarifies when and under what circumstance a provider can charge an injured worker for a "no show" or "missed appointment" related to the industrial injury on an approved claim.	Finalized	Need to maintain fund solvency; Regulated entities have requested this rule
Ins Svcs	Stay at Work Program	No	4/17/2012	CR-103 (Adoption)	The Washington Legislature established a new Stay at Work Program for the department to administer effective June 15, 2011. The law authorizes reimbursements to employers who provide transitional or light duty work to injured workers unable to return to their regular job because of work restrictions related to their injury. The new law allows the department to reimburse employers for some costs without negatively impacting their experience rating. These new rules allow the department to administer the program efficiently and equitably. The rules also ensure the requirements for participation in the program are clear and understandable, and reimbursements are appropriate.	Finalized	Required to be in compliance with state law
Ins Svcs	Vocational Rehabilitation	No	11/15/2011	CR-103 (Adoption)	This rulemaking implements House Bill 1726 (Chapter 291, Laws of 2011) which addresses recommendations from the Vocational Rehabilitation Subcommittee.	Finalized	Required to be in compliance with state law

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Ins Svcs	Workers' Compensation Rates for 2011	No	1/28/2011	CR-103 (Adoption)	L&I is required by law to establish and maintain a workers' compensation classification plan and to set premium rates that are the lowest necessary to maintain actuarial solvency of the accident and medical aid funds and are designed to attempt to limit fluctuations in premium rates. The plan must be consistent with recognized principles of insurance. L&I is also required by law to offer retrospective rating plans to employers as a further incentive to encourage workplace safety and prevent employee injury.	Finalized	Need to maintain fund solvency; Permanent rule already covered by an emergency rule
Ins Svcs	Workers' Compensation Rates for 2012	No	12/1/2011	CR-103 (Adoption)	Pursuant to RCW 51.16.035, Labor and Industries is required to establish and maintain a workers' compensation classification plan and to set premium rates that are the lowest necessary to maintain actuarial solvency of the accident and medical aid funds and are designed to attempt to limit fluctuations in premium rates. The plan must be consistent with recognized principles of insurance. Additionally, RCW 51.18.010 requires Labor and Industries to offer retrospective rating plans to employers as a further incentive to encourage workplace safety and prevent employee injury.	Finalized	Need to maintain fund solvency
Ins Svcs	Workers' Compensation Rates for 2012 - Supplemental Pension Fund Assessment	No	12/5/2011	CR-103 (Adoption)	On December 1, 2011, the Department of Labor and Industries adopted a zero average increase in workers' compensation premium rates for 2012. The reduction in the supplemental pension fund assessment was not included in the adopted rule language. Therefore, the department filed an additional CR-103 to amend WAC 296-17-920, which adjusts the supplemental pension fund premium rate for 2012.	Finalized	Need to maintain fund solvency
Ins Svcs	Acupuncture	Yes	No Rule Filing Has Occurred	No Rule Filing Has Occurred	A petition to initiate rulemaking was received by the department. The letter asked that WAC 296-20-03002, Treatment Not Authorized, be amended to allow acupuncture as treatment of work-related injuries.	Eliminate	Upon further review, rulemaking is not required.
Ins Svcs	Classifications for Tree Topping Industry	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	The department was evaluating the fairness and equality of rates in the tree topping industry.	Eliminate	Upon further review, rulemaking is not required at this time.
Ins Svcs	Independent Medical Examinations	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	The department had plans to open WACs 296-23-317 and 296-23-337, and most likely create additional rules under Chapter 296-23 WAC to include topics such as: <ul style="list-style-type: none"> <li>• Code of Ethics for IME providers (both examiners and IME firms).</li> <li>• Quality measures for the IME examination process.</li> <li>• Impairment rating and case progress consultations.</li> <li>• Ordering IMEs—what is required from the referral source?</li> <li>• Define issues around IMEs/APs—sharing information.</li> </ul>	Eliminate	Upon further review, rulemaking is not required.

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Ins Svcs	Mental Health Impairment Ratings	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	There has been some discussion with external stakeholders for the mental health impairment ratings.	Eliminate	Upon further review, rulemaking is not required.
Ins Svcs	Permanent Partial Disability (PPD) Impairment -- Partial Amputation of the Finger	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	Currently, RCW 51.32.080(1) specifies the PPD value of an amputation at the joint for upper extremities and lower extremities. It also specifies PPD values for amputation between the joints for upper extremities and lower extremities, but it does not list PPD values for amputation between the joints of the fingers. This leads to inconsistent PPD awards by claim managers. The new rule would specify how examiners determine impairment and specify how the department and self-insurers award PPD.	Eliminate	Upon further review, rulemaking is not required at this time.
Ins Svcs	Provision of Medical Testimony for Independent Medical Examination	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	The revision of this WAC would clarify the responsibilities of independent medical examiners regarding providing medical testimony, who can require them to testify, their availability to testify, and how their reimbursement is calculated.	Eliminate	Upon further review, rulemaking is not required at this time.
Ins Svcs	Psychiatric Services	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	The focus of amending the psychiatric services WAC is to lead to: <ul style="list-style-type: none"> <li>• Better medical outcomes;</li> <li>• Shorter treatment timeframes; and</li> <li>• Earlier return to work.</li> </ul> There has been no discussion on this possible rule change with external stakeholders. The department has not filed a CR-101, nor has the department made any decisions on what direction to go.	Eliminate	Upon further review, rulemaking is not required at this time.
Ins Svcs	Reporting for Sports Teams	No	4/5/2011	CR-102 (Proposal)	L&I is statutorily required to establish and maintain workers' compensation classifications based on the degree of hazard associated for specific industries. In response to an industry inquiry, the department reviewed our rates and reporting requirements and decided that there is a better way to assess and collect premiums in the sports team industry.  <i>The CR-102 was considered withdrawn on 10/18/2011.</i>	Eliminate	Upon review, rulemaking is not required.
Ins Svcs	Retrospective Rating	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	Potential rule changes resulting from recommendations from the Retro Advisory Committee.	Eliminate	Upon further review, rulemaking is not required.
Ins Svcs	Worker Employment Patterns	No	8/21/2002	CR-101 (Preproposal)	This rulemaking will provide clarification on how to determine a worker's employment pattern at the time of injury or on the date of disease manifestation for the purpose of calculating the worker's wage.	Eliminate	Upon further review, rulemaking is not required.

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<i>Specialty Compliance Services (SCS)</i>							
SCS	Apprenticeship	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	The department needs to initiate rulemaking in order to comply with the requirements of Senate Bill 5584 (Chapter 308, Laws of 2011). The law adds a new level of review for federal purposes, director's review, and to Council action prior to any court appeal.	Proceed	Required to be in compliance with state law
SCS	Contractors	No	5/22/2012	CR-101 (Preproposal)	The department is initiating rulemaking to revise the insurance and bond filing requirements for contractors to reflect changes in new technology. Currently, the department is required to maintain a hard copy of the documents; however, the department now has access to the information through an electronic system, which eliminates the need for paper.	Proceed	Regulated entities have requested this rule
SCS	Elevator	No	1/31/2012	CR-101 (Preproposal)	The Elevator Program reviews their rules for additions and revisions on a regular basis to ensure the rules are consistent with the national consensus standards and industry practice. The Elevator Program is proceeding with rulemaking to adopt the current national conveyance safety standards for elevators and escalators, platform lifts and chair lifts, belt man lifts, and personnel hoists.	Proceed	To protect public safety/health
SCS	Factory Assembled Structures	No	4/17/2012	CR-102 (Proposal)	The department reviews the factory assembled structure rules on a regular basis to ensure the rules are consistent with industry practice and to provide clarity. The department needs to proceed with rulemaking in order to eliminate inconsistencies between agency rules and industry standards, which creates confusion.	Proceed	To protect public safety/health; Need to maintain fund solvency
SCS	Plumber Certification	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	This rulemaking will make changes to allow the program to use alternative methods for mailing certified and registered mail pursuant to Substitute Senate Bill 5067 (Chapter 301, Laws of 2011).	Proceed	Required to be in compliance with state law
SCS	Electrical	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	The Electrical Program reviews the electrical rules for additions and revisions on an annual basis to ensure the rules are consistent with the national consensus standards and industry practice. Due to Executive Order 10-06, rules were not modified in 2011; therefore, the program needs to proceed with rulemaking in order to make sure the rules reflect industry practice.	Placeholder (permission to proceed will be requested at a later date)	To protect public safety/health
SCS	Employment Standards	No	2/19/2008	CR-101 (Preproposal)	The rulemaking reviews the child labor rules in order to incorporate current administrative policies and federal law. The rules are also being reviewed and amended for clarity and ease of use. A number of changes are necessary to update the state regulations to be compatible with federal law and to remove the jeopardy of non-compliance with federal law for Washington employers.	Placeholder (permission to proceed will be requested at a later date)	Required to be in compliance with federal law

Division	Rule Topic	Response to a Petition?	Date of Last Rule Filing	Type of Last Rule Filing	Brief Description	Recommended Action During the Moratorium	Rationale
SCS	Boilers	No	10/5/2010	CR-102 (Proposal)	The rulemaking amends the board of boiler rules by making clarifying and technical changes. The changes will: <ul style="list-style-type: none"> <li>• Add a definition of a “pool heater” to eliminate confusion for inspectors, owner/users, manufacturers and installers regarding what units are acceptable for service by the jurisdiction.</li> <li>• Adopt the current edition of the ASME Boiler and Pressure Vessel Code.</li> </ul> <p><i>The CR-102 was considered withdrawn on 4/19/2011.</i></p>	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
SCS	Contractors	No	7/6/2010	CR-101 (Preproposal)	The rulemaking reviews the contractor registration rules to ensure consistency with industry practice and clarity of language. The rulemaking will make housekeeping changes and update language for clarity and consistency with industry practices.	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
SCS	Employment Standards	No	5/19/2010	CR-101 (Preproposal)	The rulemaking is to clarify the meal and rest break rules as a result of current law such as <i>Wingert v. Yellow Freight</i> , 146 Wn.2d 841 (2002) and <i>Alvarez v. IBP</i> , 339 F.3d 894 (9th Cir. 2003).	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rule making activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
SCS	Prevailing Wage	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	The department is currently working with the Prevailing Wage Advisory Committee (PWAC) on the scope of work definition for fabricated precast concrete products.	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
SCS	Prevailing Wage	Yes	8/16/2010	CR-101 (Preproposal)	The department received petitions for rulemaking requesting the repeal of the scope of work definitions for utilities construction and laborers in utilities construction. The petitions state the repeal of these scopes of work would eliminate confusion for wage survey respondents, would allow the department to calculate a more accurate wage rate, and would be consistent with references from the federal Davis Bacon Act.	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
SCS	Prevailing Wage	No	11/2/2010	CR-102 (Proposal)	The rulemaking drafts wage rates for several job classifications but no corresponding scope of work descriptions. The rulemaking will adopt scope of work descriptions for dredge workers, truck drivers, and ready mix truck drivers. <p><i>The CR-102 was considered withdrawn on 12/2/2010.</i></p>	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.

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SCS	Prevailing Wage	No	5/18/2010	CR-102 (Proposal)	<p>The rulemaking reviews prevailing wage rules, which have not gone through a comprehensive review since the early 90s. Amendments will be made to reflect:</p> <ul style="list-style-type: none"> <li>• Reflect court decisions;</li> <li>• Integrate administrative policies;</li> <li>• Streamline current processes;</li> <li>• Create consistency with the statute; and</li> <li>• Make housekeeping changes.</li> </ul> <p><i>The CR-102 was considered withdrawn on 12/1/2010.</i></p>	Suspend	Although important, this rule is not immediately critical and may be suspended for this limited time period. Rulemaking activity may resume when the moratorium ends. Stakeholder and other information gathering activity may continue during the period of suspension.
SCS	Apprenticeship	No	5/4/2011	CR-103 (Adoption)	<p>The rulemaking amends the apprenticeship rules in response to the rules adopted by the U.S. Department of Labor for the Apprenticeship Programs, Labor Standards for Registration. The department is required to adopt changes to the apprenticeship rules to be in compliance with the new federal rules.</p> <p>In addition, the rulemaking reviewed Initiative 937, which established an incentive to utilize state registered apprentices when entities construct/build renewable energy projects. The Washington State Apprenticeship &amp; Training Council, under I-937, is tasked with setting the level of apprentice utilization for such projects and verifying that such levels are achieved through a review process. With the growing emphasis on renewable energy resources, the rules are being amended to outline the processes and procedures through which entities can obtain certification of apprentice utilization.</p>	Finalized	Required to be in compliance with federal law
SCS	Apprenticeship	No	11/22/2011	CR-103 (Adoption)	<p>Engrossed Substitute Senate Bill 5873 (Chapter 197, Laws of 2009) requires the Apprenticeship Program to adopt rules regarding penalties for contractors found to be working apprentices out of ratio, with inappropriate supervision, or outside their work process scope of the approved Apprenticeship Program standards. Contractors who are found out of compliance in any of these areas by the Washington State Apprenticeship and Training Council (WSATC) may have their responsible bidder status revoked for the first violation and be barred from bidding on any public works contract for five years upon the second violation.</p>	Finalized	Required to be in compliance with state law
SCS	Boilers	No	4/17/2012	CR-103 (Adoption)	<p>The Boiler Program's budget and projected revenue indicate a fee increase is necessary to help cover the cost of ongoing services. The Boiler Program was given the authority by Second Engrossed Substitute House Bill 1087, which passed the 2011 Legislature, to increase fees to cover the program's expenditures. The purpose of this rulemaking is to increase the fees for the Boiler Program. Fee increases are necessary to cover the costs for ongoing service delivery.</p>	Finalized	Need to maintain fund solvency

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SCS	Contractors	No	11/22/2011	CR-103 (Adoption)	The Contractor Registration Program has updated rules in response to: (1) Engrossed Substitute House Bill 1055 (Chapter 15, Laws of 2011), which changes the time period for a contractor to appeal an infraction from 20 to 30 days; and (2) Substitute Senate Bill 5067 (Chapter 301, Laws of 2011), which allows the program to send certified mail by other methods that can be tracked or the delivery can be confirmed.	Finalized	Required to be in compliance with state law
SCS	Electrical	No	5/24/2011	CR-103 (Adoption)	The rulemaking implements Substitute House Bill 2546 (Chapter 33, Laws of 2010) regarding electrical trainee hours.	Finalized	Required to be in compliance with state law
SCS	Electrical	No	5/22/2012	CR-103 (Adoption)	The purpose of this rulemaking is to increase the electrical fees in order to ensure the Electrical Program has a six-month fund balance.	Finalized	Need to maintain fund solvency
SCS	Elevator	No	3/6/2012	CR-103 (Adoption)	The purpose of this rulemaking is to increase the elevator fees in order to cover the costs for ongoing services for the program.	Finalized	Need to maintain fund solvency
SCS	Factory Assembled Structures	No	3/6/2012	CR-103 (Adoption)	The purpose of this rulemaking is to increase the factory assembled structure fees in order to cover the costs for ongoing services for the program.	Finalized	Need to maintain fund solvency
SCS	Plumber Certification	No	11/22/2011	CR-103 (Adoption)	The Plumber Certification Program's budget and projected revenue indicate a fee increase is necessary to help cover the cost of ongoing services of the program. The Plumber Certification Program was given the authority by Second Engrossed Substitute House Bill 1087 (Chapter 50, Laws of 2011, 1st Special Session) to increase fees to cover the program's expenditures. Due to a projected revenue shortfall of \$60,000, the program needs to increase fees 8.6 percent.	Finalized	Need to maintain fund solvency
SCS	Employment Standards	No	No Rule Filing Has Occurred	No Rule Filing Has Occurred	This rulemaking is a result of Substitute House Bill 3185, which passed the 2006 Legislature. This bill authorizes civil penalties and interest for unpaid wages for violations of certain wage violations, including minimum wage, overtime, illegal deductions, nonpayment of final paycheck and willful violations of agreed wages.	Eliminate	Upon further review, rulemaking is not required at this time.