



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 06-13-080 ; or | <input checked="" type="checkbox"/> Original Notice       |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or           | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).                                  | <input type="checkbox"/> Continuance of WSR _____         |

**Title of rule and other identifying information:** (Describe Subject) Workers' Compensation Self Insurance Rules and Regulations, Chapter 296-15 WAC. This chapter governs employers who are permitted to self-insure their workers' compensation obligation pursuant to Title 51 RCW. This filing includes modification to existing sections regarding requirements for department-approved claims administrators.

**Hearing location(s):**  
Department of Labor & Industries  
7273 Linderson Way SW  
Tumwater, Washington 98501-5414

Date: June 13, 2007 Time: 9:30 am

**Submit written comments to:**  
Name: Margaret Conley  
Address: PO Box 44890  
Olympia, Washington 98504-4890  
e-mail [mcgm235@Lni.wa.gov](mailto:mcgm235@Lni.wa.gov)  
fax (360)902-6977 by (date) June 13, 2007 5:00 pm

**Assistance for persons with disabilities:** Contact  
Margaret Conley by June 1, 2007  
TTY (800) 833-6388 or (360) 902-6906

**Date of intended adoption:** August 22, 2007  
(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The proposed modifications will allow for certified claims administrators to choose a continuing education option in lieu of retaking and passing the claims administrator test to recertify every five years. The current rule is being modified to include the option.

**Reasons supporting proposal:**

The rule revisions were developed in conjunction with self-insured community stakeholders, at their request. The department hopes that the addition of a continuing education option will result in better-informed claims administrators, which will also benefit injured workers' with self-insured industrial insurance claims.

**Statutory authority for adoption:** RCW 51.04.020, 51.14.020, 51.32.190, 51.14.090, and 51.14.095

**Statute being implemented:**

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**DATE**  
April 17, 2007

**NAME** (type or print)  
Judy Schurke

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

**OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED**

**DATE: April 17, 2007  
TIME: 6:24 PM**

**WSR 07-09-095**

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

**Name of proponent:** (person or organization) Department of Labor & Industries

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Jean Vanek	243 Israel Rd SE, Tumwater, WA 98512	(360) 902-6907
Implementation..... Jean Vanek	243 Israel Rd SE, Tumwater, WA 98512	(360) 902-6907
Enforcement..... Jean Vanek	243 Israel Rd SE, Tumwater, WA 98512	(360) 902-6907

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

Chapter 296-15 WAC applies only to businesses that are certified to self-insure in Washington State. Per RCW 19.85.020 (1), a business must have fifty or fewer employees to qualify as a small business under the Regulatory Fairness Act. The department reviewed the number of worker hours reported by each employer currently certified to self-insure, and no self-insured business has fewer than fifty employees. Therefore, no small business economic impact statement is required.

**Is a cost-benefit analysis required under RCW 34.05.328?**

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

Name: Melissa Shah

Address:

PO Box 44320

Olympia, WA 98504-4320

phone (360) 902-5122

fax (360)902-4249

e-mail [shaz235@Lni.wa.gov](mailto:shaz235@Lni.wa.gov)

No: Please explain: