



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor & Industries

- Preproposal Statement of Inquiry was filed as WSR 07-10-108 ; or
- Expedited Rule Making--Proposed notice was filed as WSR; or
- Proposal is exempt under RCW 34.05.310(4).

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

Title of rule and other identifying information:

Chapter 296-17-WAC General reporting rules, audit and recordkeeping, rates and rating system for Washington Workers' Compensation System

Hearing location(s):

L & I Building, Room S118
7273 Linderson Way SW
Tumwater, WA 98501

Date: August 10, 2007 Time: 1:30 p.m.

Date of intended adoption: August 21, 2007

(Note: This is **NOT** the effective date)

Submit written comments to:

Name: Diane Doherty, Program Mgr, Retrospective Rating
Address: PO Box 44180
Olympia, WA 98504-4180

e-mail DOHR235@lni.wa.gov

fax (360)902-4258 by 5 p.m. August 10, 2007

Assistance for persons with disabilities: Contact

Office of Information and Assistance by August 6, 2007

TTY (360) 902-5797

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

The department is proposing changes to existing rules applicable to the retrospective rating program. Rule changes would better explain how retrospective rating adjustments are calculated and allow the department to use multiple loss development factors in adjustment calculations for claims. WAC 296-17-90402 and 296-17-90445 would be revised.

Reasons supporting proposal: Current rules limit the department to using a single loss development factor for non-pension claims when calculating retrospective rating adjustments. Since 2006, the department has been using multiple loss development factors in calculating base rates, and the department is proposing expanding the practice to retrospective rating adjustment calculations to improve the accuracy of adjustment calculations. Also employers and organizations that participate in the retrospective rating program have asked L & I to clarify certain existing retrospective rating programs described above. These rules are needed to administer the retrospective rating program authorized by RCW 51.18.010.

Statutory authority for adoption: RCW 51.18.010 and RCW 51.16.035.

Statute being implemented: RCW 51.18.010 and RCW 51.16.035

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

July 5, 2007

NAME

Judy Schurke

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 05, 2007

TIME: 10:24 AM

WSR 07-14-155

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

Name of proponent:

Department of Labor & Industries

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Bill Moomau	Tumwater	(360) 902-4774
Implementation...	Diane Doherty	Tumwater	(360) 902-4835
Enforcement.....	Robert Malooly	Tumwater	(360) 902-4209

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.

In this case the agency is exempt from conducting a SBEIS since the proposed rules set or adjust fees or rates to legislative standards described in RCW 34.05.310(4)(f) and because the content of the rules is specifically dictated by statute described in RCW 34.05.310(4)(e).

Is a cost-benefit analysis required under RCW 34.05.328?

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

Name:

Address:

phone

fax

e-mail

No: Please explain:

In this case, the agency is exempt from conducting a CBA since the proposed rules set or adjust fees or rates pursuant to legislative standards described in RCW 34.05.328(5)(b)(vi) and because the content of the rules is specifically dictated by statute described in RCW 34.05.328(5)(b)(v).