



PROPOSED RULE MAKING

CR-102 (June 2004)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

Agency: Department of Labor and Industries

- Preproposal Statement of Inquiry was filed as WSR 09-12-127 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 insurance; Retrospective Rating.
This rule will describe how occupational disease claims are used in calculations for the Retrospective Rating program.

Hearing location(s):
Department of Labor & Industries
Tukwila Service Location
12806 Gateway Drive
Tukwila WA 98168
Date: September 8, 2009, 9:30 am - 11:00 am
Department of Labor & Industries
Tumwater location
7273 Linderson Way SW
Tumwater, WA 98501
Date: September 8, 2009, 1:30 pm - 3:30 pm

Submit written comments to:
Name: Diane Doherty
Address: PO Box 44180
Olympia WA 98504-4180
E-mail Dohr235@lni.wa.gov
Fax (360) 902-4258
Due by (date) September 8, 2009

Date of intended adoption: September 29, 2009
(Note: This is NOT the effective date)

Assistance for persons with disabilities:
Contact Diane Doherty (360)902-4835
Dohr235@lni.wa.gov or Office of Information and Assistance TTY (360)902-5797 by September 3, 2009

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
This rulemaking proposes to add language to WAC 296-17-90445. It adds additional information about how occupational disease claims are included in retrospective rating adjustment calculations. The proposed language will explain how chargeable claim costs are assigned to retro and non-retro employers, and that claim costs not assigned to any employer will be eliminated from the retro processes through the calculation of the performance adjustment factor.

Reasons supporting proposal:
This action is necessary to maintain the integrity of the retrospective rating system and to ensure that retro and non-retro employers are both paying their fair share of costs.

Statutory authority for adoption: RCW 51.18.010(2), RCW 51.04.020

Statute being implemented: RCW 51.18.010, RCW 51.04.020

Is rule necessary because of a:
Federal Law? [] Yes [X] No
Federal Court Decision? [] Yes [X] No
State Court Decision? [] Yes [X] No
If yes, CITATION:

DATE
August 4, 2009

NAME (type or print)
Judy Schurke

SIGNATURE
[Handwritten Signature]

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 05, 2009
TIME: 11:36 AM

WSR 09-16-142

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

Name of proponent: Labor and Industries

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Diane Doherty	Tumwater, Washington	(360) 902-4835
Implementation.... Diane Doherty	Tumwater, Washington	(360) 902-4835
Enforcement..... Robert Malooly	Tumwater, Washington	(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.

RCW 19.85.025(3) does not apply to a rule described in RCW 34.05.310(4), and that subsection exempts rules that “set or adjust fees pursuant to legislative standards.” These proposed rules clarify one part of the process for calculating retrospective rating premiums.

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:

RCW 34.05.328 exempts from its requirements rules “that set or adjust fees pursuant to legislative standards.” These proposed rules clarify one part of the process for calculating retrospective rating premiums.