



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 09-17-120; 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:

WAC 296-17-871, Director's discretion for incurred losses on claims with vocational plans.

Hearing location(s):

Tumwater L&I Building
7273 Linderson Way SW
Tumwater WA 98501

Date: January 26, 2010 Time: 11:00 AM

Date of intended adoption: March 1, 2010

(Note: This is NOT the effective date)

Submit written comments to:

Name: Ronald Moore
Address: PO Box 44140
Olympia WA 98501
e-mail MOOA235@lni.wa.gov
fax (360) 902-4729 by 5 pm, January 26, 2010

Assistance for persons with disabilities: Contact

Office of Information & Assistance by January 23, 2009

TTY (306)902-5797

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

RCW 51.32.0991 provides for a reduction in incurred losses, at the director's discretion, if a worker with a vocational plan had a prior vocational plan approved in 2008, or later, and the worker was performing in medically restricted activities when injured. The statute expires June 30, 2013. The proposed rule is meant to clarify when the director's discretion can no longer be granted based on the sunset language of the statute and how it is applied to an accident year's incurred losses for experience rating purposes.

Reasons supporting proposal: This rulemaking is being proposed to maintain consistency in the application of the law and provide accuracy and integrity to experience and retrospective rating.

Statutory authority for adoption: 51.16.035 and 51.16.100

Statute being implemented: 51.16.035 and 51.16.100

Is rule necessary because of a:

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

DATE

October 20, 2009

NAME (type or print)

Judy Schurke

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 20, 2009

TIME: 4:40 PM

WSR 09-21-101

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

Name of proponent: Department of Labor and Industries

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Richard Bredeson	Tumwater, Washington	(360) 902-4985
Implementation.... Ronald C Moore	Tumwater, Washington	(360) 902-4748
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.

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: Preparation of a Small Business Economic Impact Statement and the evaluation of probable costs is required when a rule proposal has the potential of placing a more than minor economic impact on business. There are no significant costs as part of this rulemaking.