



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Labor and Industries

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose:

The purpose of this rule is to clarify the Director's discretion for incurred losses on claims with vocational plans. 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 rule clarifies 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.

Citation of existing rules affected by this order:

Repealed:

Amended: New Section: WAC 296-17-871 Director's discretion for incurred losses on claims with vocational plans

Suspended:

Statutory authority for adoption: RCW 51.16.035, RCW 51.16.100

Other authority : Title 51

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 09-21-101 on 10/20/2009 (date).

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____

Address: _____ fax () _____

e-mail _____

Date adopted: March 1, 2010

NAME (TYPE OR PRINT)

Judy Schurke

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 01, 2010

TIME: 10:13 AM

WSR 10-06-083

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>1</u>	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>1</u>	Amended	_____	Repealed	_____