



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(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 12-07-070 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_ ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

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

**Title of rule and other identifying information:**

Chapter 296-17B WAC, Retrospective Rating for Workers' Compensation Insurance

**Hearing location(s):**

Center Place Regional Event Center  
 2426 N. Discovery Place  
 Spokane Valley, WA 99216  
 Date: September 26, 2012 10:00 AM

Labor & Industries Bldg.  
 Room S117  
 7273 Linderson Way SW  
 Tumwater, WA 98501  
 Date: September 28, 2012 9:00 AM

**Submit written comments to:**

Name: Tim Smolen  
 Address: PO Box 44180  
 Olympia, WA 98504-4180  
 e-mail [Tim.Smolen@lni.wa.gov](mailto:Tim.Smolen@lni.wa.gov)  
 fax (360) 902-4258 by 5:00 PM on September 28, 2012

**Assistance for persons with disabilities:** Contact

Office of Information and Assistance by September 21, 2012

TTY (360) 902-5797

**Date of intended adoption:** October 15, 2012  
 (Note: This is NOT the effective date)

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

This rulemaking is being proposed to make necessary changes in the retrospective rating rules following passage of Engrossed House Bill 2123 (Chapter 37, Laws of 2011), specifically Part 1, creating the Washington Stay at Work Program, and Part 3, Claim Resolution Structured Settlement Agreements; and Engrossed Substitute House Bill 1725 (Chapter 290, Laws of 2011), Section 3, concerning retrospective rating employers who pay for direct care providers for their injured workers. The department will also make other small housekeeping changes for clarification.

**Reasons supporting proposal:**

Legislation passed in the 2011 session has direct impact on the Retrospective Rating (Retro) Program. This rule package provides clarity about how that legislation will affect Retro participants, and updates and corrects several sections.

**Statutory authority for adoption:** RCW 51.04.020, RCW 51.16.035, RCW 51.16.100, RCW 51.18.005, and RCW 51.18.010(2)

**Statute being implemented:** RCW 51.18.010 and RCW 51.04.020

**Is rule necessary because of a:**

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

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

**DATE: August 21, 2012**

**TIME: 9:34 AM**

**WSR 12-17-120**

**DATE**  
 August 21, 2012

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

**SIGNATURE**

**TITLE**  
 Director

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

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

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Diane Doherty	Tumwater	(360) 902-5903
Implementation.... Tim Smolen	Tumwater	(360) 902-4835
Enforcement.....Beth Dupre	Tumwater	(360) 902-4209

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal 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.

The agency is exempt from conducting a small business economic impact statement since the proposed rules set or adjust fees or rates to legislative standards described in RCW 34.05.310(4)(f) and do not change current coverage options for employers and workers.

**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:

Since the proposed rules do not change any existing coverage options for employers or workers and adjust fees pursuant to legislative standards, they are exempted by RCW 34.05.328(5)(b)(vi) from the requirement for a cost-benefit analysis.