

AMENDATORY SECTION (Amending WSR 06-06-066, filed 2/28/06, effective 4/1/06)

WAC 296-15-350 Handling of claims. What elements must a self-insurer have in place to ensure appropriate handling of claims? Every self-insurer must:

(1) Establish procedures for securing the confidentiality of claim information.

(2) Have sufficient numbers of (~~department approved~~) certified claims administrators to ensure uninterrupted administration of claims.

(a) There must be at least one (~~department approved~~) certified claims administrator involved in the daily management of the employer's claims.

(b) If claims are administered in more than one location, there must be at least one (~~department approved~~) certified claims administrator in each location where claims are managed.

(3) Designate one (~~department approved~~) certified claims administrator as the department's primary contact person for claim issues.

(4) Designate one address for the mailing of all claims-related correspondence. The self-insurer is responsible for forwarding documents to the appropriate location if an employer's claims are managed by more than one organization.

(5) Establish procedures to answer questions and address concerns raised by workers, providers, or the department.

(6) Ensure claims management personnel are informed of new developments in workers' compensation due to changes in statute, case law, rule, or department policy.

(7) Include the department's claim number in all claim-related communications with workers, providers, and the department.

(8) Legibly date stamp incoming correspondence, identifying both the date received and the location or entity that received it.

(9) Ensure a means of communicating with all injured workers.

AMENDATORY SECTION (Amending WSR 12-03-088, filed 1/17/12, effective 2/17/12)

WAC 296-15-360 Qualifications of personnel—Certified claims administrators. (1) What is a certified claims administrator? An experienced adjudicator who has been certified by the department to meet the requirements of WAC 296-15-350(2).

(2) How do I (~~initially~~) become a certified claims administrator for self-insured claims?

(~~In order to become a certified claims administrator, you must first~~) (a) Have a minimum of three years of experience, at least twenty hours per week, in the administration or oversight of time loss claims under Title 51 RCW. The experience must have occurred within the five years immediately prior to your filing of the application to take the "self-insurance claims administrator" test(~~(-~~

~~You must then~~);

and

(b) Take and pass the department's "self-insurance claims administrator" test.

After passing the test, you are designated a certified claims administrator. The initial ~~((designation of certified claims administrator))~~ certification is valid for five years.

~~((2))~~ **(3) How do I receive approval to take the test?** To be approved to take the "self-insurance claims administrator" test, you must apply ~~((to))~~ using the ~~((department))~~ department's online data base no less than forty-five days prior to the next scheduled test date.

The department will review your application and determine if you meet the minimum requirements to take the test. We will respond to your application no less than fourteen days prior to the next scheduled test date.

~~((3))~~ **(4) What happens if I fail the test?** ~~((If you are not currently a certified claims administrator and you fail the test, you must reapply to take the test again. You will not be permitted to retake the test until))~~ You may retest six months ~~((have passed))~~ after the failed ~~((result))~~ test.

If you are a certified claims administrator and you fail the test, your ~~((approval))~~ certification will be ~~((revoked. You must then reapply to take the test again. You will not be permitted to retake the test until six months have passed after the failed result.~~

~~(4))~~ terminated until you retest and pass.

(5) How does a certified claims administrator maintain their certified status beyond the initial five-year designation? A certified claims administrator may maintain certified status by:

(a) Retaking and passing the "self-insurance claims administrator" test as outlined in subsections ~~((1))~~ (2) and ~~((2))~~ (3) of this section;

or

(b) Remaining employed for a minimum of three of the last five years in the administration ~~((of))~~ or ~~((the))~~ oversight of ~~((the))~~ claims under Title 51 RCW ~~((of))~~;

and

Earning the required continuing education credits as outlined in subsection ~~((5))~~ (6) of this section;

and

Applying to the department for renewal.

~~((5))~~ **(6) What is required if I choose to maintain my certified status using continuing education credits?**

(a) You must earn a minimum of seventy-five credits and submit your renewal application prior to lapse of the certified status. Extensions will not be granted.

Credits must be earned in the following categories:

(i) Forty claims management credits ~~((+))~~, defined as:

Instruction on any complex claim adjudication activity that is geared to an experienced adjudicator, containing information that goes beyond known, common everyday practices, including instruction on complex medical issues related to the adjudication of claims under Title 51 RCW;

and

That is not specific to the legal category.

(ii) Twenty legal credits ~~((+))~~, defined as:

Instruction on any recent changes to: Title 51 RCW, the Washington Administrative Code, significant board decisions, and case law. "Recent" will generally be considered decisions and changes that occurred within the eighteen-month period prior to course submittal.

(iii) Fifteen (~~elective credits (e.g., industry specific training)~~) general claims education credits, defined as:

Instruction on common everyday claims and related practices such as refresher classes, industry specific training, safety, and injury prevention courses. For this category only, credit will be awarded one credit for every hour of instruction.

Excess claims management or legal credits may be applied toward the (~~elective~~) general claims education credit requirement.

The seventy-five credits must include any training designated as mandatory by the department. If you fail to earn sufficient continuing education credits, you will be required to retake the written test to maintain your certified status.

(b) Assignment of course credit will be determined by the (~~department~~) curriculum review committee as follows: A maximum of one credit per hour of training will be awarded if all of the material submitted meets the definition of that category. Credit will be assigned based on 0.5 increments; no credit will be awarded for increments less than 0.5. The curriculum review committee's decision will be final.

(c) Courses approved for elective credits prior to the effective date of this rule change (~~that were assigned different credit categories~~) will be applied as (~~follows:~~

(i) ~~Claims process/procedure credits will apply toward claims management credits.~~

(ii) ~~Medical credits will apply toward claims management credits.~~

(iii) ~~Ethics credits will apply toward elective credits.~~

(d) ~~Individuals whose certified status expires between October 1, 2011, and September 30, 2012, and who exercise the continuing education option in lieu of retaking the test, must meet the following modified requirements. If the individual's certification expiration date falls between:~~

(i) ~~10/1/2011 — 3/31/2012: Earn a minimum of sixty credits (thirty two claims management credits, sixteen legal credits, and twelve elective credits);~~

(ii) ~~4/1/2012 — 9/30/2012: Earn a minimum of sixty five credits (thirty six claims management credits, eighteen legal credits, and eleven elective credits))~~ general claims education credits.

(~~e~~) (d) You must track and report earned credits at the department's online data base. You must obtain and retain signed verification of courses attended. Verification of earned credits must be received by the department by the date the certified claims administrator's certification expires. Extensions will not be granted.

(~~f~~) (e) The department may audit the reported credits of any certified claims administrator at random, or "for cause." Falsification of reported credits will result in revocation of the individual's certified claims administrator status, and may result in the department's refusal of future applications to take the self-insurance claims administrator test.

(~~6~~) (7) **How often must certified claims administrators notify the department of changes to their contact information?** Certified claims administrators must notify the department within thirty calendar days of the effective date of a change in mailing address, work location, or name. Changes must be reported using the department's on-line data base.