



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 13-23-077 ; 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 14-17-086
- Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

WAC Chapter 296-15 Workers' Compensation Self-Insurance Rules and Regulations WAC 296-15-266 Penalties

Hearing location(s):

Department of Labor and Industries
7273 Linderson Way
Room S117
Tumwater, WA 98501

Date: 12/01/2014 Time: 9:30 a.m.

Submit written comments to:

Name: Mike Ratko
Address: Department of Labor and Industries
PO Box 44100
Olympia, WA 98504-4100

e-mail michael.ratko@lni.wa.gov
fax (360) 902-4474 by (date) 12/01/2014

Assistance for persons with disabilities: Contact

Office of Information & Assistance by 11/24/2014

TTY (360) 902-5797

Date of intended adoption: 12/23/2014

(Note: This is **NOT** the effective date)

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

The Department of Labor and Industries filed a CR 102 (WSR 14-17-086) proposing amendments to Section 296-15-266 WAC regarding the circumstances under which the department will consider assessing a penalty for an unreasonable delay of benefits, and the process of this penalty request.

The Supplemental CR 102 amends the proposal in response to comments received during the initial comment period to clarify when a benefit is considered unreasonably delayed, remove language that is vague or imprecise, add language from statute for clarifying purposes, remove requirement for employer to notify department when payment is denied, add a requirement for employers to notify the department when there is a worker or medical provider dispute over payment denial, and provide for an additional 5 working days for employer response time within the 30 day requirement for responding to penalties, etc. A new hearing has been scheduled and the written comment period extended.

Reasons supporting proposal:

Statutory authority for adoption:

Statute being implemented:

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: October 21, 2014

TIME: 3:52 PM

WSR 14-21-157

DATE
10/21/14

NAME (type or print)
Joel Sacks

SIGNATURE

TITLE
Director

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

Name of proponent: (person or organization)

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Mike Ratko	Tumwater, WA	(360) 902-6369
Implementation....Mike Ratko	Tumwater, WA	(360) 902-6369
Enforcement.... Mike Ratko	Tumwater, WA	(360) 902-6369

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.

An SBEIS was prepared and filed with the CR 102 proposal under WSR 14-17-086. The Supplemental CR 102 amendments do not impact the SBEIS analysis.

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:

A cost-benefit analysis was prepared for the CR 102 proposal under WSR 14-17-086. The Supplemental CR 102 amendments do not impact the CBA analysis