



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Labor & Industries

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 15-20-092 ; or | <input checked="" type="checkbox"/> Original Notice       |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or           | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).                  | <input type="checkbox"/> Continuance of WSR _____         |

**Title of rule and other identifying information:** Chapter 296-15 WAC, Workers' Compensation Self-Insurance Rules and Regulations, governs employers who are permitted to self-insure their workers' compensation obligations pursuant to Title 51 RCW.

This filing modifies WAC 296-15-4316, which addresses what a self-insurer must do when a worker elects vocational option 2 benefits. The existing language must be changed to conform to the provisions of RCW 51.32.096, a new statute enacted through Chapter 137, Laws of 2015 (Substitute House Bill 1496).

**Hearing location(s):**  
Department of Labor & Industries  
Room S119  
7273 Linderson Way SW  
Tumwater, Washington 98501-5414

Date: September 19, 2016 Time: 3:30 PM

**Submit written comments to:**  
Name: James Nylander  
Address: PO Box 44890  
Olympia, WA 98504-4890  
e-mail: James.Nylander@lni.wa.gov  
fax: (360)902-6977 by (date) September 19, 2016

**Assistance for persons with disabilities:** Contact  
Ginny Klapstein by September 6, 2016  
TTY (800) 833-6388 or (360) 902-6748

**Date of intended adoption:** October 18, 2016  
(Note: This is **NOT** the **effective** date)

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

The current language in WAC 296-15-4316 states that workers who are eligible for vocational retraining have fifteen calendar days from the date the rehabilitation plan is approved, to decline further services and elect Option 2 benefits instead. This language conflicts with the time frame established by RCW 51.32.096. The proposed language change will align this rule with the requirements of the new law.

**Reasons supporting proposal:** This proposal is necessary to conform to the provisions of RCW 51.32.096.

**Statutory authority for adoption:** RCW 51.04.020

**Statute being implemented:** RCW 51.32.096

- Is rule necessary because of a:**
- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

**DATE**  
August 2, 2016

**NAME** (type or print)  
Joel Sacks

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** August 02, 2016  
**TIME:** 9:16 AM

**WSR 16-16-104**

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

(None)

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

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting.....	James Nylander	243 Israel Rd SE, Tumwater, WA 98501	(360) 902-6907
Implementation....	James Nylander	243 Israel Rd SE, Tumwater, WA 98501	(360) 902-6907
Enforcement.....	James Nylander	243 Israel Rd SE, Tumwater, WA 98501	(360) 902-6907

**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.

A small business economic impact statement was determined to be unnecessary based on RCW 19.85.025(3), as this change is being made solely to comply with state law.

**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 determined to be unnecessary based on RCW 34.05.328(5)(b)(iii). As stated above, this change is being made solely to comply with state law.