



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: February 28, 2023

TIME: 8:26 AM

WSR 23-06-062

Agency: Department of Labor & Industries (L&I)

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 rulemaking is to define what is and is not verification for contraction by frontline workers and what is and is not verification for contraction or quarantine by health care workers of an infectious or contagious disease that is the subject of a public health emergency.

Citation of rules affected by this order:

New: WAC 296-14-340 and 296-14-341
 Repealed:
 Amended:
 Suspended:

Statutory authority for adoption: RCW 51.04.020

Other authority: RCW 51.32.181 and RCW 51.32.390

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 22-21-119 on October 18, 2022 (date).

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

WAC 296-14-340 and 296-14-341:

- In (1) added “written documentation of” after “requires.” This change provides clarity that verification must be in writing.
- In (1)(b) added “or verified” after “administered.” This was added to clarify for workers who administer their own test that another party to the claim must verify the result. This change was also made to provide clarity that an employer may not be the one physically administering the test, it may be administered by a nurse at their facility or the worker may administer the test at the employer’s place of business but the employer could verify the results.
- In (1)(b) changed “employer” to “employer’s facility.” This was changed in order to cover employers who have nurses or medical facilities on location.
- Removed (2)(c). The change was made because the language was no longer needed due to the clarifying changes made to (1)(b).

WAC 296-14-341:

- In (3) added “written documentation of” after “requires.” This change provides clarity that verification must be in writing, and to be consistent with the clarifying change made in WAC 296-14-341(1).
- In (3)(a) removed “Written evidence from”. This change was made because the language was no longer needed due to the clarifying changes made in (3).
- In (4)(b) removed the comma after “Quarantine.” This was a minor housekeeping change.
- In (4)(c) added “at the time of quarantine, from the relevant agencies” after the word “guidelines.” This language was updated to provide clarity based on stakeholder feedback that guidelines could be from a number of agencies.

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

Name:

Address:

Phone:
Fax:
TTY:
Email:
Web site:
Other:

**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 on 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>2</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	___	Amended	___	Repealed	___

Date Adopted: February 28, 2023

Name: Joel Sacks

Title: Director

Signature:

