



STATE OF WASHINGTON  
DEPARTMENT OF LABOR AND INDUSTRIES

December 14, 2011

TO: Kerry Radcliff  
Editor  
Office of the Code Reviser

FROM: Tamara Jones *TJ*  
Assistant Director for Legislative and Government Affairs/Rules Coordinator  
Department of Labor and Industries

SUBJECT: L&I's Semi-Annual Rules Development Agenda  
January 1, 2012 – June 30, 2012

Pursuant to RCW 34.05.314, attached is the Department of Labor and Industries' Semi-Annual Rules Development Agenda for January 1, 2012, through June 30, 2012.

There may be additional rule-making activities not on the agenda as conditions warrant.

Please contact me at (360) 902-6805 or [Tamara.Jones@lni.wa.gov](mailto:Tamara.Jones@lni.wa.gov) if you have any questions.

Thank you.

Attachment

cc: Joint Administrative Rules Review Committee  
Marty Brown, Director  
Office of Financial Management  
Nick Demerice, Rules Coordinator  
Department of Commerce  
Tami Thompson, Rules Coordinator  
Department of Health  
Cathy Downs, Rules Coordinator  
Department of Transportation

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: December 14, 2011

TIME: 8:34 AM

WSR 12-01-045



Washington State Department of  
**Labor & Industries**

**Semi-Annual Rules Development Agenda**  
**January 1, 2012 – June 30, 2012**

| <b>DIVISION: ADMINISTRATIVE SERVICES</b> |                     |  |  |               |               |  |
|--|---------------------|--|--|---------------|---------------|--|
| <b>WAC CHAPTER(S)</b>                    | <b>RULE SUBJECT</b> | <b>AGENCY CONTACT</b>                              | <b>PROPOSED TIMELINE</b>                       |               |               | <b>BRIEF DESCRIPTION OF CHANGES</b>  |
|  |                     |  | <b>CR-101</b>                                  | <b>CR-102</b> | <b>CR-103</b> |  |
| 296-06                                   | Public Records      | Angela Wharton<br>Public Records<br>(360) 902-5542 | Suspended per Executive Orders 10-06 and 11-03 | TBD           | TBD           | This rulemaking will update the public record WACs with the current agency organizational information, statutory references, Web links, and records request information. |

| <b>DIVISION: CRIME VICTIMS COMPENSATION</b> |  |   |                          |                  |               |  |
|---|--|---|--------------------------|------------------|---------------|--|
| <b>WAC CHAPTER(S)</b>                       | <b>RULE SUBJECT</b>  | <b>AGENCY CONTACT</b>                           | <b>PROPOSED TIMELINE</b> |                  |               | <b>BRIEF DESCRIPTION OF CHANGES</b>  |
|   |  |   | <b>CR-101</b>            | <b>CR-102</b>    | <b>CR-103</b> |  |
| 296-31<br>296-33                            | Crime Victims Compensation Rules and Fees and Attendant Services | Maty Brimmer<br>Crime Victims<br>(360) 902-6707 | Spring 2012              | Late Summer 2012 | Fall 2012     | This rulemaking is to update the mental health and attendant services rules to ensure consistency Substitute Senate Bill 5691 (Chapter 346, Laws of 2011.) |

| <b>DIVISION: DIVISION OF OCCUPATIONAL SAFETY AND HEALTH (DOSH)</b> |                     |   |  |               |               |   |
|--|---------------------|---|--|---------------|---------------|---|
| <b>WAC CHAPTER(S)</b>  | <b>RULE SUBJECT</b> | <b>AGENCY CONTACT</b>                   | <b>PROPOSED TIMELINE</b>                       |               |               | <b>BRIEF DESCRIPTION OF CHANGES</b>   |
|  |                     |   | <b>CR-101</b>                                  | <b>CR-102</b> | <b>CR-103</b> |   |
| All DOSH WACs  | DOSH Rules Overhaul | Devin Proctor<br>DOSH<br>(360) 902-5541 | Suspended per Executive Orders 10-06 and 11-03 | TBD           | TBD           | This rulemaking will consist of reorganization, renumbering, and plain language changes. The Washington Industrial Safety and Health Act (WISHA) Advisory Committee is urging DOSH to proceed with this work. |



Washington State Department of  
Labor & Industries

**Semi-Annual Rules Development Agenda  
January 1, 2012 – June 30, 2012**

| DIVISION: DIVISION OF OCCUPATIONAL SAFETY AND HEALTH (DOSH) |  |  |  |                     |        |  |
|---|--|--|--|---------------------|--------|--|
| WAC<br>CHAPTER(S)   | RULE SUBJECT   | AGENCY<br>CONTACT                          | PROPOSED TIMELINE                              |                     |        | BRIEF DESCRIPTION OF CHANGES   |
|   |  |  | CR-101   | CR-102              | CR-103 |  |
| 296-24<br>296-37<br>296-62<br>296-304<br>296-800<br>296-849 | Standards Improvement Project                          | Cathy Julian<br>DOSH<br>9360) 902-5401     | N/A  | 3/6/12<br>(CR-105)  | 6/5/12 | This rulemaking is being proposed to comply with a federal Occupational Safety and Health Administration (OSHA) requirement to adopt rule changes consistent with the final rule of their Standards Improvement Project. It is the third in the OSHA Standards Improvement Projects initiative, which periodically reviews OSHA regulations with the goal of improving and eliminating those that are confusing, outdated, duplicative, or inconsistent. |
| 296-24  | General Safety and Health Standards – Electrical Rules | Kimberly Johnson<br>DOSH<br>(360) 902-5008 | N/A  | 1/31/12<br>(CR-105) | 4/3/12 | DOSH is required to have rules at least as effective as the federal Occupational Safety and Health Administration (OSHA). DOSH was notified that there are areas in our electrical section of Chapter 296-24 WAC that are considered to be “not at least as effective as” OSHA.  |
| 296-32  | Telecommunications                                     | Beverly Clark<br>DOSH<br>(360) 902-5516    | Suspended per Executive Orders 10-06 and 11-03 | TBD                 | TBD    | In 2009, DOSH began working with a telecommunications stakeholder group to develop draft language to update our current telecommunications standard and bring it up to date with industry standards.   |
| 296-36<br>296-155, Part Q                                   | Compressed Atmospheres                                 | Cindy Ireland<br>DOSH<br>(360) 902-5522    | TBD  | TBD                 | TBD    | This rulemaking will address requirements relating to compressed atmospheres. The current requirements have not been amended since 1962 resulting in multiple variances that have had to be issued to deal with these outdated requirements. Stakeholders have requested that this rule proceed.   |
| 296-45  | Electrical   | Cindy Ireland<br>DOSH<br>(360) 902-5522    | TBD  | TBD                 | TBD    | The department is reviewing Chapter 296-45 WAC, Safety Standards for Electrical Workers, to determine areas where we may be “not at least as effective as” the federal standard. While updating another rule, there were areas of concern identified in Chapter 296-45 WAC that need to be looked at.  |



Washington State Department of  
Labor & Industries

**Semi-Annual Rules Development Agenda  
January 1, 2012 – June 30, 2012**

| DIVISION: DIVISION OF OCCUPATIONAL SAFETY AND HEALTH (DOSH) |                              |  |                              |   |         |  |
|---|------------------------------|--|------------------------------|---|---------|--|
| WAC<br>CHAPTER(S)   | RULE SUBJECT                 | AGENCY<br>CONTACT                          | PROPOSED TIMELINE            |   |         | BRIEF DESCRIPTION OF CHANGES   |
|   |                              |  | CR-101                       | CR-102                                  | CR-103  |  |
| 296-54  | Safety Standards for Logging | Kimberly Johnson<br>DOSH<br>(360) 902-5008 | 11/16/10<br>WSR<br>10-23-096 | TBD                                     | TBD     | The department received several petitions for rulemaking for the logging standard. The department has accepted the petitions and will begin formal rulemaking.   |
| 296-62  | Hazardous Drugs              | Beverly Clark<br>DOSH<br>(360) 902-5516    | 7/19/11<br>WSR<br>11-15-064  | 10/18/11<br>WSR<br>11-21-080            | 1/3/12  | The 2011 Legislature passed Engrossed Substitute Senate Bill 5594 which requires the department to adopt rules implementing the 2004 National Institute for Occupational Safety and Health (NIOSH) Alert on safe handling of hazardous drugs. The legislation requires the rules be consistent with the recommendations set forth in NIOSH's alert and states that the rules may not exceed these recommendations. The department may incorporate Centers for Disease Control and Prevention (CDC) updates and changes to the alert. |
| 296-155   | Fall Protection              | Cindy Ireland<br>DOSH<br>(360) 902-5522    | 4/4/06<br>WSR<br>06-08-085   | TBD                                     | TBD     | DOSH has been working with a Fall Protection Ad Hoc Committee to consolidate the fall protection requirements of the construction safety rules into one coherent set of requirements. In addition, DOSH asked the committee to help identify any technical changes needed due to industry developments and to ensure that any gap in current fall protection would be addressed and rectified by the rule update.  |
| 296-304   | Shipyards                    | Kimberly Johnson<br>DOSH<br>(360) 902-5008 | N/A                          | 12/6/11<br>(CR-105)<br>WSR<br>11-24-062 | 2/21/12 | The Occupational Safety and Health Administration (OSHA) changed their rules on working conditions in shipyards, which updates existing requirements to reflect advances in industry practices and technology and provides new protections from hazards that were not previously addressed, including the control of hazardous energy. DOSH is required to modify our rules to ensure they are "at least as effective as" OSHA's rules.  |



Washington State Department of  
**Labor & Industries**

**Semi-Annual Rules Development Agenda**  
**January 1, 2012 – June 30, 2012**

| <b>DIVISION: DIVISION OF OCCUPATIONAL SAFETY AND HEALTH (DOSH)</b> |   |  |  |  |               |  |
|--|---|--|--|--|---------------|--|
| <b>WAC CHAPTER(S)</b>  | <b>RULE SUBJECT</b>                                 | <b>AGENCY CONTACT</b>                      | <b>PROPOSED TIMELINE</b>                       |  |               | <b>BRIEF DESCRIPTION OF CHANGES</b>  |
|  |   |  | <b>CR-101</b>                                  | <b>CR-102</b>                                  | <b>CR-103</b> |  |
| 296-305  | Fire Fighting                                       | Kimberly Johnson<br>DOSH<br>(360) 902-5008 | 11/4/08<br>WSR<br>08-22-082                    | TBD  | TBD           | The Occupational Safety and Health Administration advised the department of a couple areas in the firefighter standards where we are not as effective as the federal rules. Stakeholders asked us to look at our firefighter standards and bring them up to date with current consensus standards and practices.   |
| 296-307  | Safety Standards in Agriculture – REDON Fit Testing | Devin Proctor<br>DOSH<br>(360) 902-5541    | Suspended per Executive Orders 10-06 and 11-03 | TBD  | TBD           | The department will put respirator requirements for the controlled negative pressure REDON fit testing protocol into the agriculture rule.   |
| 296-900  | Abatement   | Devin Proctor<br>DOSH<br>(360) 902-5541    | 7/19/11<br>WSR<br>11-15-063                    | 10/18/11<br>WSR<br>11-21-079                   | 1/3/12        | The Legislature passed Engrossed Substitute Senate Bill 5068 relating to abatement of violations of the Washington Industrial Safety and Health Act during an appeal, which amends RCW 49.17.140. An appeal of any violations classified and cited as serious, willful, repeat serious, or failure to abate serious violations does not stay abatement dates and requirements, except under certain circumstances. The department will not grant a stay when it can determine that the preliminary evidence shows a substantial probability of death or serious harm to workers. |
| 296-900  | Monetary Penalties                                  | Kimberly Johnson<br>DOSH<br>(360) 902-5008 | 11/16/10<br>WSR<br>10-23-095                   | Suspended per Executive Orders 10-06 and 11-03 | TBD           | The Occupational Safety and Health Administration (OSHA) is changing their policies and procedures for how they assess penalties. The department will be required to modify its rules to ensure they are “at least as effective as” OSHA’s new policies.   |



Washington State Department of  
Labor & Industries

**Semi-Annual Rules Development Agenda  
January 1, 2012 – June 30, 2012**

| DIVISION: DIVISION OF OCCUPATIONAL SAFETY AND HEALTH (DOSH) |  |  |                   |   |         |   |
|---|--|--|-------------------|---|---------|---|
| WAC CHAPTER(S)  | RULE SUBJECT                                       | AGENCY CONTACT                             | PROPOSED TIMELINE |   |         | BRIEF DESCRIPTION OF CHANGES  |
|   |  |  | CR-101            | CR-102                                  | CR-103  |   |
| 296-900   | Safety and Health Investment Project (SHIP) Grants | Kimberly Johnson<br>DOSH<br>(360) 902-5008 | N/A               | 11/1/11<br>(CR-105)<br>WSR<br>11-22-080 | 1/18/12 | This rulemaking will address the criteria for the distribution of Safety and Health Investment Project (SHIP) grants fund awards required by Engrossed House Bill 2123, which was passed by the 2011 Legislature. |

| DIVISION: INSURANCE SERVICES |  |   |                              |  |        |   |
|------------------------------|--|---|------------------------------|--|--------|---|
| WAC CHAPTER(S)               | RULE SUBJECT   | AGENCY CONTACT  | PROPOSED TIMELINE            |  |        | BRIEF DESCRIPTION OF CHANGES  |
|                              |  |   | CR-101                       | CR-102   | CR-103 |   |
| 296-14                       | Confidentiality of Workers' Compensation Claim Files | Sandi Haerling<br>Integrated Claims Services – Policies and Rules<br>(360) 902-5006 | 11/16/04<br>WSR<br>04-23-080 | Suspended per Executive Orders 10-06 and 11-03 | TBD    | This rulemaking will define the responsibility of employers, workers, and other parties who have access to workers' compensation claim files for confidentiality and release of claim information.  |
| 296-14                       | Industrial Insurance Definitions                     | Sandi Haerling<br>Integrated Claims Services – Policies and Rules<br>(360) 902-5006 | 5/03/05<br>WSR<br>05-10-073  | Suspended per Executive Orders 10-06 and 11-03 | TBD    | This rulemaking will define terms used in Chapter 296-14 WAC and move definitions currently in Chapter 296-20 WAC to Chapter 296-14 WAC. The rulemaking will amend the definition of temporary partial disability.  |
| 296-14                       | Pension Discount Rates and Mortality Assumptions     | Sandi Haerling<br>Integrated Claims Services – Policies and Rules<br>(360) 902-5006 | 6/20/01<br>WSR<br>01-13-096  | Suspended per Executive Orders 10-06 and 11-03 | TBD    | This rulemaking will update the mortality assumptions used to determine pension reserves and actuarial benefit reductions.  |
| 296-14                       | Wages  | Sandi Haerling<br>Integrated Claims Services – Policies and Rules<br>(360) 902-5006 | 4/22/08<br>WSR<br>08-09-115  | Suspended per Executive Orders 10-06 and 11-03 | TBD    | This rulemaking will amend existing rules for consistency with RCW 51.08.178 (2007 Substitute House Bill 1244). In addition, a new rule will be added to clarify when the value of health care benefits is included in determining the worker's monthly wage. |



Washington State Department of  
Labor & Industries

**Semi-Annual Rules Development Agenda  
January 1, 2012 – June 30, 2012**

| DIVISION: INSURANCE SERVICES |  |   |   |   |         |  |
|------------------------------|--|---|---|---|---------|--|
| WAC<br>CHAPTER(S)            | RULE SUBJECT   | AGENCY<br>CONTACT   | PROPOSED TIMELINE   |   |         | BRIEF DESCRIPTION OF CHANGES   |
|                              |  |   | CR-101  | CR-102  | CR-103  |  |
| 296-14<br>296-15             | Suppressing Workers' Compensation Claims                                   | Sandi Haerling<br>Integrated Claims<br>Services – Policies and<br>Rules<br>(360) 902-5006 | 6/5/07<br>WSR<br>07-12-079  | Suspended<br>per<br>Executive<br>Orders<br>10-06 and<br>11-03 | TBD     | Pursuant to RCW 51.28.010 and RCW 51.28.025 (2007 Substitute Senate Bill 5443), rules are needed to define "bona fide workplace safety", "accident prevention program" and "first aid", and establish the penalty structure for employers when there is a finding of claim suppression. Consideration will be given to when and how employers may be required to notify workers of a finding of claim suppression. In addition, the rulemaking may address additional issues identified in the rule development process. |
| 296-14A (New)                | Claim Resolution Structured Settlement Agreements                          | Sandi Haerling<br>Integrated Claims<br>Services – Policies and<br>Rules<br>(360) 902-5006 | An emergency CR-103 is scheduled to be filed and effective on 1/3/12 for 120 days |   |         | This rulemaking is necessary pursuant to RCW 51.04.062, RCW 51.04.063, and RCW 51.04.065 (Engrossed House Bill 2123, Chapter 37, Laws of 2011), for the implementation of allowing claim resolution structured settlements for injured workers age fifty-five and older effective January 1, 2012, fifty-three and older effective January 1, 2015, and fifty and older effective January 1, 2016.   |
|                              |  |   | 7/19/2011<br>WSR<br>11-15-068   | TBD   | TBD     |  |
| 296-15                       | Claim Filing and Record-Keeping at On-Site Medical Facilities              | Margaret Conley<br>Self-Insurance<br>(360) 902-6723                                       | Suspended<br>per<br>Executive<br>Orders<br>10-06 and<br>11-03                     | TBD   | TBD     | The purpose of this rulemaking is to clarify the requirements for what records self-insured employers must maintain for on-site medical facilities, including when a claim must be filed.  |
| 296-15                       | Continuing Education Requirements for Self-Insurance Claims Administrators | Margaret Conley<br>Self-Insurance<br>(360) 902-6723                                       | 12/15/09<br>WSR<br>10-01-083  | 11/1/11<br>WSR<br>11-22-079                                   | 1/17/12 | In response to a request from the Washington Self-Insurers Association, the purpose of this rulemaking is to simplify the requirements for recertification of department-approved claims administrators by reducing credit types.  |
| 296-15                       | Definition of Claim Arrival  | Margaret Conley<br>Self-Insurance<br>(360) 902-6723                                       | Suspended<br>per<br>Executive<br>Orders<br>10-06 and<br>11-03                     | TBD   | TBD     | The purpose of this rulemaking is to clarify what documentation constitutes notice of a claim for self-insured employers. This date is key for determining benefit timeliness.   |



Washington State Department of  
**Labor & Industries**

**Semi-Annual Rules Development Agenda**  
**January 1, 2012 – June 30, 2012**

| <b>DIVISION: INSURANCE SERVICES</b> |   |   |  |  |               |  |
|-------------------------------------|---|---|--|--|---------------|--|
| <b>WAC CHAPTER(S)</b>               | <b>RULE SUBJECT</b>   | <b>AGENCY CONTACT</b>                                   | <b>PROPOSED TIMELINE</b>                       |  |               | <b>BRIEF DESCRIPTION OF CHANGES</b>  |
|                                     |   |   | <b>CR-101</b>                                  | <b>CR-102</b>                                  | <b>CR-103</b> |  |
| 296-15                              | Definition of First Aid   | Margaret Conley<br>Self-Insurance<br>(360) 902-6723     | Suspended per Executive Orders 10-06 and 11-03 | TBD  | TBD           | The purpose of this rulemaking is to define “first aid.” This will clarify when a claim does not need to be filed, and when one must be filed.   |
| 296-15                              | Reporting Option 2 Vocational Costs to L&I  | Margaret Conley<br>Self-Insurance<br>(360) 902-6723     | Suspended per Executive Orders 10-06 and 11-03 | TBD  | TBD           | The purpose of this rulemaking is to clarify the process by which a self-insured employer reports retraining costs for any claims upon which option 2 benefits have been granted.  |
| 296-15                              | Self-Insurance Electronic Data Reporting System (SIEDRS) Requirements and Penalties | Margaret Conley<br>Self-Insurance<br>(360) 902-6723     | Suspended per Executive Orders 10-06 and 11-03 | TBD  | TBD           | The purpose of this rulemaking is to clarify language regarding reporting requirements and penalties as they relate to SIEDRS.   |
| 296-15                              | Self-Insurance – Housekeeping Changes   | Margaret Conley<br>Self-Insurance<br>(360) 902-6723     | 8/20/08 WSR 08-17-117                          | Suspended per Executive Orders 10-06 and 11-03 | TBD           | The purpose of this rulemaking is to review Chapter 296-15 WAC for any corrections and to ensure consistency with statute. Affected rules will also be rewritten using “plain talk.”   |
| 296-16A (New)                       | Stay at Work Program  | Richard Bredeson<br>Employer Services<br>(360) 902-4985 | 7/19/11 WSR 11-15-067                          | 12/6/11 WSR 11-24-061                          | 2/27/12       | This rulemaking creates rules to accommodate requirements made by Engrossed House Bill 2123 (Chapter 37, Laws of 2011) for a program allowing employers to be reimbursed for a portion of wages paid to injured workers on light duty. |
| 296-17                              | Change of Ownership – Experience Modification Factor                                | Jo Anne Attwood<br>Employer Services<br>(360) 902-4777  | Suspended per Executive Orders 10-06 and 11-03 | TBD  | TBD           | This rulemaking is to simplify the change of ownership – experience modification factor rule. An ad hoc committee will be created to assist with the rule changes.   |



Washington State Department of  
Labor & Industries

**Semi-Annual Rules Development Agenda  
January 1, 2012 – June 30, 2012**

| DIVISION: INSURANCE SERVICES |   |   |                          |         |          |  |
|------------------------------|---|---|--------------------------|---------|----------|--|
| WAC<br>CHAPTER(S)            | RULE SUBJECT                                | AGENCY<br>CONTACT   | PROPOSED TIMELINE        |         |          | BRIEF DESCRIPTION OF CHANGES   |
|                              |   |   | CR-101                   | CR-102  | CR-103   |  |
| 296-17<br>296-17A            | Classifications for Agricultural Industries | Karen Chamberlain<br>Employer Services<br>(360) 902-4772  | TBD                      | TBD     | TBD      | This rulemaking will clarify language and better organize sub classifications in the agricultural industries.  |
| 296-17<br>296-17A            | Classifications for Land Surveyors          | Karen Chamberlain<br>Employer Services<br>(360) 902-4772  | TBD                      | TBD     | TBD      | This rulemaking will evaluate the fairness and equality of rates in the land survey industry.  |
| 296-17<br>296-17A            | Employer Services – Housekeeping Changes    | Jo Anne Attwood<br>Employer Services<br>(360) 902-4777  | 1/31/12                  | 3/20/12 | 5/22/12  | This rulemaking is to correct various rules for typographical errors, organizational flow, and clarity of language for improved application of rules.                      |
| 296-17<br>296-17A            | Reporting for Schools                       | Jo Anne Attwood<br>Employer Services<br>(360) 902-4777  | 1/31/12                  | 3/20/12 | 5/22/12  | This rulemaking is intended to provide a simpler method for reporting contract teachers, easing the administrative burden of the employer.                                 |
| 296-17A                      | Classifications for Entertainers            | Patti Phillips<br>Employer Services<br>(360) 902-4723   | TBD                      | TBD     | TBD      | This rulemaking will change the classification for reporting dancers to the entertainer classification.  |
| 296-17<br>296-17B            | 2013 Workers' Compensation Premium Rates    | Jo Anne Attwood<br>Employer Services<br>(360) 902-4777  | 6/19/12                  | 8/21/12 | 11/20/12 | This rulemaking will set rates for 2013 workers' compensation insurance.   |
| 296-17B                      | Retrospective Rating                        | Jo Anne Attwood<br>Employer Services<br>(360) 902-4777<br><br>Tim Smolen<br>Retrospective Rating<br>(360) 902-4835<br><br>Diane Doherty<br>(360) 902-5903 | 1/31/12                  | 3/20/12 | 5/25/12  | This rule will accommodate requirements made by Engrossed House Bill 2123 (Chapter 37, Laws of 2011) and Engrossed Substitute House Bill 1725 (Chapter 290, Laws of 2011). |
| 296-20                       | Clarifying Medication Coverage              | Leah Hole-Curry<br>Office of the Medical Director<br>(360) 902-4996   | January or February 2012 | TBD     | TBD      | Medication WACs need to be amended to clarify that L&I does not cover non-FDA approved medications and to add a statement about drugs regulated outside of the country.    |



Washington State Department of  
Labor & Industries

**Semi-Annual Rules Development Agenda  
January 1, 2012 – June 30, 2012**

| DIVISION: INSURANCE SERVICES |  |   |                             |                             |         |   |
|------------------------------|--|---|-----------------------------|-----------------------------|---------|---|
| WAC<br>CHAPTER(S)            | RULE SUBJECT   | AGENCY<br>CONTACT   | PROPOSED TIMELINE           |                             |         | BRIEF DESCRIPTION OF CHANGES  |
|                              |  |   | CR-101                      | CR-102                      | CR-103  |   |
| 296-20                       | Health Technology Clinical Committee (HTCC) Decisions                                  | Leah Hole-Curry<br>Office of the Medical Director<br>(360) 902-4996   | 10/4/11<br>WSR<br>11-20-082 | TBD                         | TBD     | As the HTCC makes decisions, the agency may need to make rule changes to come in line with the decisions. This rulemaking includes, but is not limited to, spinal injections and transcutaneous electrical nerve stimulator (TENS) devices.   |
| 296-20                       | Management for Chronic Pain  | Leah Hole-Curry<br>Office of the Medical Director<br>(360) 902-4996   | June/July<br>2012           | TBD                         | TBD     | L&I may need to amend its opioid rules in response to the Department of Health's rules and the Industrial Insurance Medical Advisory Committee's update of the L&I's opioid guidelines. Possible revisions include, but are not limited to, adding a new requirement for dosing consultations and episodic care, making sure that L&I forms are consistent with the DOH requirements, and addressing addiction treatment.   |
| 296-20<br>296-23             | Medical Aid Conversion Factors, Physical Therapy Rules, and Occupational Therapy Rules | Erik Landaas<br>Health Services Analysis<br>(360) 902-4244<br><br>Tom Davis<br>Health Services Analysis<br>(360) 902-6687 | 12/20/11                    | 2/21/12                     | 4/24/12 | This rulemaking is to update conversion factors used to determine payments to medical providers, and to update the maximum daily fees payable to physical and occupational therapists.  |
| 296-20                       | Medical Provider Network and Centers for Occupational Health and Education (Phase I)   | Leah Hole-Curry<br>Office of the Medical Director<br>(360) 902-4996   | 5/31/11<br>WSR<br>11-12-071 | 11/2/11<br>WSR<br>11-22-078 | 1/3/12  | Substitute Senate Bill 5801 (Chapter 6, Laws of 2011) L&I to establish a medical provider network to treat injured workers of employers insured with L&I and of self-insured employers. SSB 5801 also expands Centers for Occupational Health and Education (COHEs). Rules are necessary to implement the changes. The department is creating and/or amending necessary rules in phases to ensure timely completion of all required provisions. This initial set of rules includes establishing minimum standards for credentials of medical providers and other requirements for network participation and to define "risk of harm." |



Washington State Department of  
Labor & Industries

**Semi-Annual Rules Development Agenda**  
**January 1, 2012 – June 30, 2012**

| DIVISION: INSURANCE SERVICES   |   |   |                              |                              |         |  |
|--|---|---|------------------------------|------------------------------|---------|--|
| WAC CHAPTER(S)   | RULE SUBJECT  | AGENCY CONTACT  | PROPOSED TIMELINE            |                              |         | BRIEF DESCRIPTION OF CHANGES   |
|  |   |   | CR-101                       | CR-102                       | CR-103  |  |
| 296-20<br>296-14<br>296-15<br>296-21<br>296-23<br>296-23A<br>296-23B | Medical Provider Network and Centers for Occupational Health and Education (Phase II) | Leah Hole-Curry<br>Office of the Medical Director<br>(360) 902-4996 | 11/22/11<br>WSR<br>11-23-142 | January 2012                 | TBD     | Substitute Senate Bill 5801 (Chapter 6, Laws of 2011) directs L&I to establish a medical provider network to treat injured workers of employers insured with L&I and of self-insured employers. SSB 5801 also expands Centers for Occupational Health and Education (COHEs). Rules are necessary to implement the changes. The department is creating and/or amending necessary rules in phases to ensure timely completion of all required provisions. This rulemaking phase will create and/or amend rules that are needed to effectively launch and maintain the network and improve quality of medical care provided to injured workers. |
| 296-20   | Missed Medical Appointments   | Aaron Huff<br>Health Services Analysis<br>(360) 902-4259            | 12/22/09<br>WSR<br>10-01-171 | 11/22/11<br>WSR<br>11-23-137 | 2/21/12 | This rulemaking is to clarify when and under what circumstance a provider can charge an injured worker for “no shows” or “missed appointments” related to the industrial injury on an approved claim.  |
| 296-23   | Independent Medical Examinations (IMEs)   | Kristen Baldwin-Boe<br>Health Services Analysis<br>360 902-6815     | March 2012                   | TBD                          | TBD     | Rules may need to be updated with the new medical provider network requirements.   |

| DIVISION: SPECIALTY COMPLIANCE SERVICES |                      |  |                   |        |        |   |
|---|----------------------|--|-------------------|--------|--------|---|
| WAC CHAPTER(S)                          | RULE SUBJECT         | AGENCY CONTACT   | PROPOSED TIMELINE |        |        | BRIEF DESCRIPTION OF CHANGES  |
|   |                      |  | CR-101            | CR-102 | CR-103 |   |
| 296-05                                  | Apprenticeship Rules | Sally Elliott<br>Specialty Compliance Services<br>(360) 902-6411 | TBD               | TBD    | TBD    | Senate Bill 5584 (Chapter 308, Laws of 2011) adds a new level of review for federal purposes, director’s review, to Washington State Apprenticeship and Training Council action prior to any court appeal. The Apprenticeship Program needs to adopt an appeal process by rule in order to implement the law. |



Washington State Department of  
**Labor & Industries**

**Semi-Annual Rules Development Agenda**  
**January 1, 2012 – June 30, 2012**

| <b>DIVISION: SPECIALTY COMPLIANCE SERVICES</b> |                       |  |                              |               |               |  |
|--|-----------------------|--|------------------------------|---------------|---------------|--|
| <b>WAC CHAPTER(S)</b>                          | <b>RULE SUBJECT</b>   | <b>AGENCY CONTACT</b>  | <b>PROPOSED TIMELINE</b>     |               |               | <b>BRIEF DESCRIPTION OF CHANGES</b>  |
|  |                       |  | <b>CR-101</b>                | <b>CR-102</b> | <b>CR-103</b> |  |
| 296-46B  | Electrical Rules      | Sally Elliott<br>Specialty Compliance Services<br>(360) 902-6411 | 1/17/12                      | 3/6/12        | 5/22/12       | The purpose of this rulemaking is to increase the electrical fees in order to ensure the Electrical Program has a six month fund balance.  |
| 296-46B  | Electrical Rules      | Sally Elliott<br>Specialty Compliance Services<br>(360) 902-6411 | TBD                          | TBD           | TBD           | The Electrical Program reviews the electrical rules for additions and revisions on an annual basis to ensure the rules are consistent with the national consensus standards and industry practice. Due to Executive Order 10-06, rules were not modified in 2011; therefore, the program needs to proceed with rulemaking in order to make sure the rules reflect industry practice.                               |
| 296-96   | Elevator Rules        | Sally Elliott<br>Specialty Compliance Services<br>(360) 902-6411 | 10/18/11<br>WSR<br>11-21-082 | 12/20/11      | 3/6/12        | The purpose of this rulemaking is to increase the elevator fees in order to cover the costs for ongoing services for the Elevator Program.   |
| 296-96   | Elevator Rules        | Sally Elliott<br>Specialty Compliance Services<br>(360) 902-6411 | 1/17/12                      | 3/6/12        | 5/22/12       | This rulemaking is a result of Substitute House Bill 1055 (Chapter 36, Laws of 2009), which made changes to RCW 70.87.230 and RCW 70.87.250. The rulemaking will also review the elevator rules for additions and revisions. The elevator rules are reviewed on a regular basis to ensure the rules are consistent with the national consensus standards and industry practice and to clarify the rules as needed. |
| 296-104  | Board of Boiler Rules | Sally Elliott<br>Specialty Compliance Services<br>(360) 902-6411 | 11/1/11<br>WSR<br>11-22-081  | 1/3/12        | 4/17/12       | The purpose of this rulemaking is to increase the boiler fees in order to cover the costs for ongoing services for the program.  |



Washington State Department of  
**Labor & Industries**

**Semi-Annual Rules Development Agenda**  
**January 1, 2012 – June 30, 2012**

| DIVISION: SPECIALTY COMPLIANCE SERVICES |  |  |                             |  |        |   |
|---|--|--|-----------------------------|--|--------|---|
| WAC CHAPTER(S)                          | RULE SUBJECT                                     | AGENCY CONTACT   | PROPOSED TIMELINE           |  |        | BRIEF DESCRIPTION OF CHANGES  |
|   |  |  | CR-101                      | CR-102   | CR-103 |   |
| 296-104                                 | Board of Boiler Rules                            | Sally Elliott<br>Specialty Compliance Services<br>(360) 902-6411 | 7/20/10<br>WSR<br>10-15-102 | 10/5/10<br>WSR<br>10-20-135<br><i>(Withdrawn on 4/19/11)</i><br><br>Suspended per Executive Orders 10-06 and 11-03 | TBD    | The rulemaking amends the board of boiler rules by making clarifying and technical changes. The changes will: <ul style="list-style-type: none"> <li>• Add a definition of a “pool heater” to eliminate confusion for inspectors, owner/users, manufacturers and installers regarding what units are acceptable for service by the jurisdiction.</li> <li>• Adopt the current edition of the ASME Boiler and Pressure Vessel Code.</li> </ul> |
| 296-125                                 | Employment Standards – Child Labor Rules         | Sally Elliott<br>Specialty Compliance Services<br>(360) 902-6411 | 2/19/08<br>WSR<br>08-05-107 | TBD  | TBD    | The rulemaking reviews the child labor rules in order to incorporate current administrative policies and federal law. The rules are also being reviewed and amended for clarity and ease of use. A number of changes are necessary to update the state regulations to be compatible with federal law and to remove the jeopardy of non-compliance with federal law for Washington employers.  |
| 296-126                                 | Employment Standards – Meal and Rest Break Rules | Sally Elliott<br>Specialty Compliance Services<br>(360) 902-6411 | 5/19/10<br>WSR<br>10-11-121 | Suspended per Executive Orders 10-06 and 11-03   | TBD    | The rulemaking is to clarify the meal and rest break rules as a result of existing law such as <i>Wingert v. Yellow Freight</i> , 146 Wn.2d 841 (2002) and <i>Alvarez v. IBP</i> , 339 F.3d 894 (9th Cir. 2003).  |



Washington State Department of  
**Labor & Industries**

**Semi-Annual Rules Development Agenda  
 January 1, 2012 – June 30, 2012**

| DIVISION: SPECIALTY COMPLIANCE SERVICES |   |   |   |   |        |   |
|---|---|---|---|---|--------|---|
| WAC<br>CHAPTER(S)                       | RULE SUBJECT  | AGENCY<br>CONTACT   | PROPOSED TIMELINE   |   |        | BRIEF DESCRIPTION OF CHANGES  |
|   |   |   | CR-101  | CR-102  | CR-103 |   |
| 296-127                                 | Prevailing Wage   | Sally Elliott<br>Specialty Compliance<br>Services<br>(360) 902-6411 | 6/16/09<br>WSR<br>09-13-077                                   | 5/18/10<br>WSR<br>10-11-116<br><i>(Withdrawn<br/>on 12/1/10)</i><br><br>Suspended<br>per<br>Executive<br>Orders<br>10-06 and<br>11-03 | TBD    | The rulemaking reviews prevailing wage rules, which have not gone through a comprehensive review since the early 90s. Amendments will be made to reflect: <ul style="list-style-type: none"> <li>• Reflect court decisions;</li> <li>• Integrate administrative policies;</li> <li>• Streamline current processes;</li> <li>• Create consistency with the statute; and</li> <li>• Make housekeeping changes.</li> </ul> |
| 296-127                                 | Prevailing Wage – Scope of Work Descriptions for Dredge Workers, Truck Drivers, and Ready Mix Truck Drivers | Sally Elliott<br>Specialty Compliance<br>Services<br>(360) 902-6411 | 7/20/10<br>WSR<br>10-15-107                                   | 11/2/10<br>WSR<br>10-22-104<br><i>(Withdrawn<br/>on 12/2/10)</i><br><br>Suspended<br>per<br>Executive<br>Orders<br>10-06 and<br>11-03 | TBD    | L&I has wage rates for dredge workers, truck drivers, and ready mix drivers, but no corresponding scope of work descriptions. The rulemaking will adopt scope of work descriptions for those worker classifications.  |
| 296-127                                 | Prevailing Wage – Scope of Work Description for Fabricated Precast Concrete Products                        | Sally Elliott<br>Specialty Compliance<br>Services<br>(360) 902-6411 | Suspended<br>per<br>Executive<br>Orders<br>10-06 and<br>11-03 | TBD   | TBD    | L&I is currently working with the Prevailing Wage Advisory Committee on the scope of work definition for fabricated precast concrete products.  |



Washington State Department of  
Labor & Industries

**Semi-Annual Rules Development Agenda  
January 1, 2012 – June 30, 2012**

| DIVISION: SPECIALTY COMPLIANCE SERVICES  |  |  |                              |  |         |  |
|--|--|--|------------------------------|--|---------|--|
| WAC CHAPTER(S)   | RULE SUBJECT   | AGENCY CONTACT   | PROPOSED TIMELINE            |  |         | BRIEF DESCRIPTION OF CHANGES   |
|  |  |  | CR-101                       | CR-102   | CR-103  |  |
| 296-127  | Prevailing Wage – Scope of Work Descriptions for Utilities Construction and Laborers in Utilities Construction | Sally Elliott<br>Specialty Compliance Services<br>(360) 902-6411 | 8/16/10<br>WSR<br>10-17-087  | Suspended per Executive Orders 10-06 and 11-03 | TBD     | The department received rulemaking petitions to repeal the scope of work definitions for utilities construction and laborers in utilities construction. The petitions state the repeal of these scopes of work would eliminate confusion for wage survey respondents, would allow the department to calculate a more accurate wage rate, and would be consistent with references from the federal Davis Bacon Act. |
| 296-150C<br>296-150F<br>296-150M<br>296-150P<br>296-150R<br>296-150T<br>296-150V             | Factory Assembled Structures   | Sally Elliott<br>Specialty Compliance Services<br>(360) 902-6411 | 10/18/11<br>WSR<br>11-21-081 | 12/20/11                                       | 3/6/12  | The purpose of this rulemaking is to increase the factory assembled structure fees in order to cover the costs for ongoing services for the program.   |
| 296-150C<br>296-150F<br>296-150I<br>296-150M<br>296-150P<br>296-150R<br>296-150T<br>296-150V | Factory Assembled Structures   | Sally Elliott<br>Specialty Compliance Services<br>(360) 902-6411 | 9/22/09<br>WSR<br>09-19-121  | 3/6/12   | 5/22/12 | The rulemaking reviews the factory assembled structure rules on a regular basis to ensure the rules are consistent with industry practice, for clarification, and for possible housekeeping changes. The rules need to be amended to reflect current code references and in response to internal audit findings.   |
| 296-200A   | Contractor Certificate of Registration   | Sally Elliott<br>Specialty Compliance Services<br>(360) 902-6411 | 7/6/10<br>WSR<br>10-14-103   | Suspended per Executive Orders 10-06 and 11-03 | TBD     | The rulemaking reviews the contractor registration rules to ensure consistency with industry practice and clarity of language. The rulemaking will make housekeeping changes and update language for clarity and consistency with industry practices.  |
| 296-400A   | Plumber Certification  | Sally Elliott<br>Specialty Compliance Services<br>(360) 902-6411 | TBD                          | TBD  | TBD     | This rulemaking is a result of Substitute Senate Bill 5067 (Chapter 301, Laws of 2011). The bill allows the program to use alternative methods for mailing certified and registered mail.  |