



RULE-MAKING ORDER PERMANENT RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 26, 2024

TIME: 8:49 AM

WSR 24-08-025

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: L&I is creating new rules in chapter 296-23 WAC, and amending one existing rule WAC 296-23-362. The new rules define the recording notification process for when a worker wants to record independent medical examinations (IMEs) requested by the department and self-insured employers. One existing rule, WAC 296-23-362, states an observer may not attend a psychiatric examination. This rule is updated as the amended statute includes an observer may be present for all examinations.

Citation of rules affected by this order:

New: WAC 296-23-364 and 296-23-366

Repealed:

Amended: WAC 296-23-362

Suspended:

Statutory authority for adoption: RCW 51.04.020, 51.04.030, and 51.36.070

Other authority: RCW 51.36.070

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 24-02-068 on January 2, 2024 (date).

Describe any changes other than editing from proposed to adopted version: In WAC 296-23-362, subsections (2) and (3) were reversed for ease of reading of the rule.

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

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**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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	<u>2</u>	Amended	<u>1</u>	Repealed	___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New	___	Amended	___	Repealed	___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	___	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: March 26, 2024

Name: Joel Sacks

Title: Director

Signature:

