



Semi-Annual Rules Development Agenda July 1, 2022 – December 31, 2022

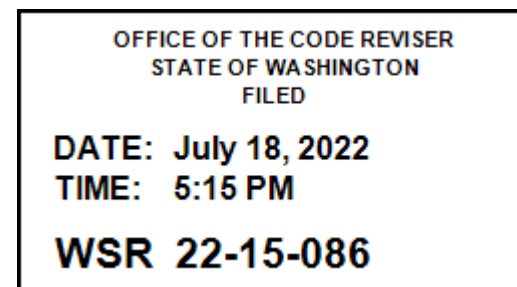
The Department of Labor & Industries' (L&I) prepares a semi-annual rules development agenda in January and July each year to inform the public of expected upcoming rule changes. Pursuant to RCW 34.05.314, the agenda is filed with the Office of the Code Reviser for publication in the Washington State Register. This report details current and anticipated rulemaking activities for L&I. This agenda is for informational purposes and the noted dates of anticipated rulemaking actions are estimates. There may be additional rulemaking activities not anticipated at this time, such as to implement new state laws, meet federal requirements, or other circumstances.

L&I encourages the public to be involved in the rulemaking processes by attending public hearings and submitting comments regarding rules. Rulemaking information is available on the agency website at <https://www.lni.wa.gov/rulemaking-activity/>. To stay informed of our progress and be notified of any changes, please sign up for email notifications: <https://public.govdelivery.com/accounts/WADLI/subscriber/new>. Under General, select *Rules Update*.

Please contact Tracy West at 360-902-6954 or Tracy.West@Lni.wa.gov if you have any questions.

KEY

- CR: "Code Reviser" on the rulemaking forms, which are produced by the Office of the Code Reviser for use by all state agencies.
- CR-101: Preproposal Statement of Inquiry filed under RCW 34.05.310
- CR-102: Proposed Rule Making notice filed under RCW 34.05.320 or 34.05.340
- CR-103: Rule Making Order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380
- CR-105: Expedited Rule Making Proposal filed under RCW 34.05.353
- RCW: Revised Code of Washington
- WAC: Washington Administrative Code
- WSR: Washington State Register official filing reference number given by the Office of the Code Reviser when a notice is filed.





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Division: Division of Occupational Safety and Health (DOSH)						
296-36 296-155 Part Q	Compressed Air (Tunnels)	This rulemaking is in response to petitions and other requests from labor and business industry stakeholders to update the compressed air work requirements in WAC chapters 296-36 and 296-155 Part Q.	9/18/12 12-19-075	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-62 296-155	Lead	This rulemaking is in response to a petition and a series of stakeholder meetings. This rulemaking was initiated to update existing lead standards in both general industry and construction in light of increasing evidence of the hazards associated with occupational lead exposure.	4/19/16 16-09-092	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-67	Process Safety Management of Highly Hazardous Chemicals (PSM) for petroleum refineries	The purpose of this rulemaking is to amend existing sections and create several new sections in chapter 296-67 WAC, Safety standards for process safety management of highly hazardous chemicals, which will only apply to petrochemical refining facilities. The current rules are outdated, not having been updated in over 20 years and do not reflect current industry practices.	8/22/17 17-17-134	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516



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296-52	Safety Standards for Possession, Handling, and Use of Explosives	The purpose of this rulemaking is to update the safety standards concerning explosives in order to reflect technological advancements in explosives over the past 10 to 30 years, and better align with federal regulations. Focus areas will likely include definitions, licensing, storage, background check requirements, public disclosure, and transportation, among others sections.	1/23/18 18-03-162	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-71 (new chapter)	High Hazard Facilities – Workforce (ESHB 1817)	The purpose of this proposed rulemaking is to create a new chapter of rules implementing the advanced safety training requirements under chapter 49.80 RCW adopted by the Washington state legislature in 2019. Chapter 49.80 RCW requires owners of petroleum refining or petrochemical manufacturing facilities use a skilled and trained workforce when contracting for construction, alteration, demolition, installation, repair, or maintenance work. This rulemaking includes requirements for advanced safety training certification for workers, curriculum for in-person classroom and laboratory instruction, and approval of training providers.	2/18/20 20-05-073	3/22/22 22-07-086	Anticipate filing 9/6/22	Chris Miller DOSH Standards Program 360-902-5516



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296-307	Temporary Worker Housing (TWH)	The purpose of this rulemaking, in conjunction with the Department of Health (DOH), is to consider permanent amendments to further protect occupants in temporary worker housing and cherry harvest camps. In February 2020, Governor Inslee proclaimed a state of emergency in Washington state as a result of the coronavirus disease 2019 (COVID-19) outbreak, followed by Proclamations and amendments. DOH and L&I also responded to the COVID-19 pandemic by adopting emergency rules (CR-103E) to protect occupants from COVID-19 hazards in licensed temporary worker housing (TWH).	9/10/20 20-19-050	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-62	Wildfire Smoke	The purpose of this rulemaking is to develop new workplace safety and health rules regarding wildfire smoke. Some of the issues that may be addressed include: identification of harmful exposures; communication; training and instruction; and control of harmful exposures. L&I filed emergency rules (CR-103E) on July 16, 2021 (WSR 21-15-067) to ensure these requirements were in place during the 2021 fire season while permanent rulemaking is on-going. Emergency rules were filed again on June 1, 2022 (WSR 22-12-094) for the 2022 fire season.	10/20/20 20-21-093	Anticipate filing Feb 2023	Anticipate filing late spring 2023	Chris Miller DOSH Standards Program 360-902-5516



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To be determined	Occupational Exposures to Infectious or Contagious Diseases (ESSB 5092)	The purpose of this rulemaking is to implement the requirements of 2021’s Engrossed Substitute Senate Bill 5092, Section 220(8), to establish occupational health protections related to infectious diseases to ensure the state has general guidelines to follow in the case of an infectious disease outbreak. This would include when there is an outbreak subject to a public health emergency under a national or state-declared state of emergency.	5/13/21 21-11-051	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-155	Trenching Rescue and Excavation Plan	The purpose of this rulemaking is to require employers to develop and implement a written excavation plan detailing appropriate risk analysis and rescue planning prior to beginning any work that requires a protective system (generally defined as any excavation four feet or deeper that is not in stable, solid rock).	6/22/21 21-13-140	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516



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296-155	Cranes, Rigging, and Personnel Lifting	The purpose of this rulemaking is to amend the safety standards for cranes and derricks in construction, due in part to the Occupational Safety and Health Administration (OSHA) updating their standards. This rulemaking is also intended to provide clarity on L&I's interpretation of requirements related to crane decertification and reinstatement. In addition, state-initiated amendments will also be considered to address other areas in chapter 296-155 WAC relating to cranes that either need to be updated based on current industry practice or clarifying some of the language to maintain safety and health protections for employees. Due to OSHA updating their standard, prior rulemaking preproposals regarding these subjects initiated in 2018 and 2019 were withdrawn under WSR 21-14-078 and WSR 21-14-079 .	7/6/21 21-14-080	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516



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296-62 296-307	Ambient Heat Exposure	<p>The purpose of this rulemaking is to consider occupational heat exposure hazards from high ambient temperatures in all industries, including outdoor and indoor exposures. Requirements considered, but not limited to, include: trigger temperatures or another measure of environmental conditions stress to the human body such as the heat index or wet bulb globe temperature, time frames for when the rule is in effect, preventative measures (such as water, shade or other cooling means, and rest time/breaks), emergency response measures, training, and planning.</p> <p>L&I filed emergency rules (CR-103E) for Outdoor Heat Exposure on July 9, 2021 (WSR 21-15-017) to ensure requirements were in place during the summer of 2021 while permanent rulemaking is on-going. Emergency rules were filed again on June 1, 2022 (WSR 22-12-095) for the summer of 2022.</p>	8/17/21 21-17-135	Anticipate filing Feb 2023	Anticipate filing late spring 2023	Chris Miller DOSH Standards Program 360-902-5516
296-115	Safety Requirements for Charter Boats	<p>The purpose of this rulemaking is to better align chapter 296-115 WAC, Safety requirements for charter boats, with chapter 88.04 RCW, the Charter Boat Safety Act; chapter 49.17 RCW, the Washington Industrial Safety and Health Act; and U.S. Coast Guard requirements under 46 CFR. In addition, this rulemaking will address items from an audit of the Charter Boat Program.</p>	12/21/21 22-01-197	Anticipate filing Winter 2022	To be determined	Chris Miller DOSH Standards Program 360-902-5516



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296-360	Safety and Health Discrimination Protections (ESHB 1097)	The purpose of this rulemaking is to implement 2021’s Engrossed Substitute House Bill 1097 related to safety and health discrimination.	1/4/22 22-02-055	5/4/22 22-10-107	7/1/22 22-14-090	Chris Miller DOSH Standards Program 360-902-5516
296-155 296-305	Reference corrections regarding Fall Protection	The purpose of this rulemaking is to correct references in fall protection rules, in order to create clarity and provide accuracy.	N/A	5/3/22 22-10-65 (CR-105)	Anticipate filing 7/19/22	Chris Miller DOSH Standards Program 360-902-5516
296-27 296-817	Hearing Loss Updates	The purpose of this rulemaking is to align WAC 296-27-01113 with the language in OSHA’s rule requiring recording hearing loss discovered under an employer’s hearing conservation program, and requiring employers record every standard threshold shift (STS) identified with thresholds above the 25 dB average. This rulemaking will also update the images of equations in WAC 296-817-30015, which are blurry and not useful for readers.	N/A	5/4/22 22-10-106 (CR-105)	Anticipate filing 7/19/22	Chris Miller DOSH Standards Program 360-902-5516
296-880	Unified Safety Standards for Fall Protection	The purpose of this rulemaking is to amend sections of the fall protection rule that address roofing activities including leading edge work, work performed on a low or flat pitch roof, and ski area facility and operations in order to make them at least as effective as OSHA, as required by the Washington State Plan.	5/17/22 22-11-070	7/5/22 22-14-097	Anticipate filing 9/20/22	Chris Miller DOSH Standards Program 360-902-5516



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296-307 Part I	Worker Protection Standard (pesticides)	The purpose of this rulemaking is to clarify language and correct errors to better align the Worker Protection Standard with the Washington State Department of Agriculture (WSDA) Worker Protection Standard found at chapter 16-233 WAC; and to comply with and be at least as effective as the U.S. Environmental Protection Agency (EPA).	N/A	5/31/22 22-12-078 (CR-105)	Anticipate filing 8/23/22	Chris Miller DOSH Standards Program 360-902-5516
296-801 (new chapter)	Protecting Temporary Workers (SHB 1206)	The purpose of this rulemaking is to create a new chapter to protect temporary workers by implementing requirements from 2021's Substitute House Bill 1206 and codified as RCW 49.17.490. This law requires staffing agencies to assess the employer's safety and health practices at the workplace that the employee will be working, and includes requirements for staffing agencies and worksite employers.	N/A	6/21/22 22-13-150 (CR-105)	Anticipate filing 9/6/22	Chris Miller DOSH Standards Program 360-902-5516
296-304	Safety Standards for Ship Repair, Shipbuilding and Ship Breaking	The purpose of this rulemaking is to better align these rules with OSHA's personal protective equipment requirements for eye and face protection for Shipyard Employment found in 29 CFR 1915, Subpart I. This rulemaking may also incorporate housekeeping and formatting changes.	7/5/22 22-14-098	Anticipate filing 8/23/22	Anticipate filing 11/22/22	Chris Miller DOSH Standards Program 360-902-5516



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296-56	Longshore Water Operations; Restrooms in Ports and Railyards (HB 1706)	The purpose of this rulemaking is to align the standard with OSHA, address items in change log, and other eRules and housekeeping items. Changes to align with House Bill 1706 regarding truck operators access to restrooms when operating in/on a port or rail yard property. New requirements to include access to restrooms and space for lactation.	Anticipate filing 9/6/22	Anticipate filing 11/1/22	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-850	Beryllium	The purpose of this rulemaking is to update the standard regarding occupational exposure to beryllium, beryllium compounds, and dermal exposure issues, due to OSHA updating their standard.	N/A	Anticipate filing Fall 2022 (CR-105)	To be determined	Chris Miller DOSH Standards Program 360-902-5516
286-305	Firefighters	The purpose of this rulemaking is to address a petition received related to personal protective equipment used in hazardous material response. This will also include a review of the wildland firefighting chapter and urban wildland interface firefighting. There are additional change log items that need to be addressed.	Anticipate filing Fall 2022	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-55 (new chapter)	Arborists & Tree Trimming	The purpose of this rulemaking is to create a new chapter that covers worker protections for arborists in response to numerous injuries within this industry.	Anticipate filing December 2022	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516



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296-900	Daily Penalties for Violating an Order of Immediate Restraint (ESHB 1097)	Rulemaking is anticipated to implement the provisions of 2021’s Engrossed Substitute House Bill 1097 related to daily penalties for violating an Order of Immediate Restraint, including establish inspection procedures and enforcement policies related to calculating penalties when Orders of Immediate Restraint and/or Red Tags are placed; and provide guidance on how to correctly calculate penalties arising from the placement of an Order of Immediate Restraint (OIR), or a Red Tag.	To be determined	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516

Division: Field Services and Public Safety						
296-150F	Factory Assembled Structures (FAS): Factory-Built Housing and Commercial Structures	The purpose of this rulemaking is to update the rules regarding factory-built housing and commercial structures, to include panelized construction. This rulemaking will include intent to make the rules related to E2SHB 1257 – Energy efficiency, HB 1486 – Delegation of authority, and SB 5383 – Tiny homes.	7/2/19 19-14-106	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244



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296-96	Elevator Rules (Safety Codes)	The purpose of this rulemaking is to consider adopting new safety codes from the 2019 edition of the American Society of Mechanic Engineers (ASME) A17.1/CSA B44 - 2019, Safety Code for Elevators and Escalators, and other related codes. The 2019 edition of ASME A17.1 would replace the current 2016 code. The Elevator Program is also considering updates, clarification, housekeeping, and other changes to the rules. This rulemaking excludes the rules with fees due to a separate rulemaking in progress.	10/19/21 21-21-088	Anticipate filing 9/20/22	Anticipate filing 11/22/22	Alicia Curry Field Services and Public Safety 360-902-6244
296-400A	Plumber Certification Rules – Phase 3	The purpose of this rulemaking is to consider amendments under chapter 206-400A WAC, Plumber Certification Rules, in order to implement the legislative changes made within 2020’s Plumbing Act (Chapter 153, Laws of 2020, Senate Bill 6170), updates to continuing education, training programs, and other necessary updates to all plumbing rules.	1/18/22 22-03-073	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244
296-96	Elevator Fee Increase	The purpose of this rulemaking is to propose a 17% fee increase for funding of a new Conveyance Management System (CMS). The increase also supports other operating expenses for the Elevator Program. The CMS is the database used to provide permitting, inspection, and other information. Our current system is aging, failing, and no longer meets the service needs of our customers.	3/22/22 22-07-088	5/17/22 22-11-069	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244



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296-150C 296-150F 296-150I 296-150M 296-150P 296-150T 296-150V	Factory Assembled Structures (FAS) Fee Increase	The purpose of this rulemaking is to propose changes to the Factory Assembled Structures (FAS) rules to increase fees by 5.86% and housekeeping changes. The fee increase is the maximum allowed by the state Office of Financial Management for fiscal year 2023.	4/20/22 22-09-086	6/21/22 22-13-147	Anticipate filing 9/20/22	Alicia Curry Field Services and Public Safety 360-902-6244
296-46B-945	Electrical Rules (SSB 6126 Good Cause Allowance)	The purpose of this rulemaking is to consider changes that provide exceptions to electrician apprenticeship completion for “good cause” as allowed under RCW 19.28.195, until July 1, 2025. This rulemaking also considers updates and housekeeping changes to the rule. In 2018, Substitute Senate Bill (SSB) 6126 (Chapter 249, Laws of 2018) implemented apprenticeship requirements for journey level electrician exam candidates. This rulemaking implements the new legislation.	Anticipate filing 8/2/22	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244



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296-150C 296-150F 296-150P 296-150R 296-150V	Factory Assembled Structures (FAS): Factory-Built Housing and Commercial Structures	<p>The purpose of this rulemaking is to consider adopting permanent rules for design plan reviews by licensed professional engineers, architects, or firms for commercial coaches, factory-built and commercial structures, recreational park trailers, recreational vehicles, and conversion vendor units.</p> <p>L&I adopted emergency rules to allow for third party reviews to take place and is still in the process of evaluating the effect of emergency rule. L&I plans to work with stakeholder groups for input on possibly adopting permanent rules.</p>	Anticipate filing 8/16/22	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244
296-200A	Contractor Registration - Classification Updates	The purpose of this rulemaking is to consider updates to the definitions for specialty contractor classifications.	To be determined	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244
296-46B	Electrical Rules (Code Adoption)	The purpose of this rulemaking is to consider changes to adopt new safety codes from the 2023 edition of the National Fire Protection Agency (NFPA) 70, the National Electrical Code (NEC), along with updates, housekeeping, and other rule changes.	To be determined	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244



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Division: Fraud Prevention and Labor Standards						
296-05	Apprenticeship Rules (E2SSB 5600)	The purpose of this rulemaking is to update the Apprenticeship rules in accordance with Engrossed Second Substitute Senate Bill 5600, which adds a sustainability assessment requirement to all new apprenticeship program applications and requires the Washington State Apprenticeship and Training Council (WSATC) to establish industry sector-based platforms in eight areas	5/3/22 22-10-067	Anticipate filing January 2023	Anticipate filing May 2023	Ellen Saline Fraud Prevention and Labor Standards 360-902-4475
296-127	Prevailing Wage: Repeal rules for Subprevailing Wage Certificates (SB 5763)	The purpose of this rulemaking is to repeal WAC 296-127-400 through 296-127-470 to align with the Prevailing Wage statute. Senate Bill 5763 (Chapter 55, Laws of 2022) repealed RCW 39.12.022, which allowed individuals with disabilities to be paid a prevailing wage lower than applicable prevailing wage rates set by L&I by issuing subprevailing wage certificates.	N/A	5/3/22 22-10-066 (CR-105)	Anticipate filing 7/19/22	Reasa Pearson Prevailing Wage 360-902-5331



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296-128	Transportation Network Companies (TNC) and Drivers (ESHB 2076)	The purpose of this rulemaking is to implement Engrossed Substitute House Bill 2076 (2022 legislative session). ESHB 2076 requires L&I to conduct rulemaking regarding deduction and remittance reimbursements from the Driver Resource Center to a transportation network company. Additional rules are needed to clarify the new requirements for transportation network companies and driver protections relating to minimum compensation, paid sick time, retaliation and deactivations, and administrative violations. Rules are also needed to carry out and enforce the new requirements and help L&I coordinate with the Driver Resource Center.	5/17/22 22-11-080	Anticipate filing 9/20/22	Anticipate filing 11/22/22	Bridget Osborne Employment Standards 360-902-5552
296-140	Clean Energy: Labor Standards for Tax Incentives	The purpose of this rulemaking is to implement Labor Standard Certification requirements for clean and renewable energy tax incentives under 2022's Second Substitute House Bill 1988 (2SHB 1988) and Engrossed Substitute Senate Bill 5714 (ESSB 5714). L&I filed emergency rules (CR-103E) on July 1, 2022 (WSR 22-14-094) to ensure requirements are in place on July 1, 2022, as required under the law.	6/21/22 22-13-148	Anticipate filing 8/23/22	Anticipate filing 11/1/22	Ellen Saline Fraud Prevention and Labor Standards 360-902-4475



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296-127	Prevailing Wage: Ordinary Maintenance	<p>The purpose of this rulemaking is to clarify the definition of “ordinary maintenance.” House Bill 1975 amended RCW 35.82.070 relating to property management services provided to housing authority properties, which includes clearer definitions of “ordinary maintenance” specific to Housing Authorities.</p> <p>Prior to passage of House Bill 1975, L&I filed a CR-101 on Feb 16, 2022 (WSR 22-05-099), which was withdrawn on June 21, 2022 (WSR 22-13-154).</p>	N/A	6/21/22 22-13-152 (CR-105)	Anticipate filing 8/23/22	Reasa Pearson Prevailing Wage 360-902-5331
Division: Insurance Services						
296-17 296-17A	Employment Covered by RCW 51.32.187 (Department of Energy Hanford Site Contractors)	<p>The purpose of this rulemaking is to allow contractors of the United States Department of Energy (DOE) working at the Hanford site to have their contractors and subcontractors covered under the state fund.</p> <p>L&I filed continuances on Oct. 27 and Nov. 6, 2020, ultimately extending the comment period to Feb. 1, 2021, under WSR 20-22-038 and WSR 20-23-017.</p> <p>The CR-102 Proposal was withdrawn (WSR 21-04-019) due to the need for more stakeholder involvement and coordination. L&I will continue working with stakeholders to refine proposed rules for potential future rulemaking.</p>	3/3/20 20-06-060	9/22/20 20-19-132 (withdrawn)	To be determined	Jo Anne Attwood Employer Services 360-902-4777



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296-15 296-17 296-17A	Classification, Reporting, and Penalties Amendments for 2023	<p>The purpose of this rulemaking is to implement clear rule writing to ensure staff and customers can easily understand and apply the workers’ compensation insurance classification and reporting rules. Classification Development studied some subclassifications for potential reduction in number; and reviewed classification and reporting rules for improvement and clarification.</p> <p>Substitute House Bill (SHB) 2409 requires penalties in chapter 51.48 RCW be updated every three years based on the Consumer Price Index. As part of this rulemaking, L&I will review state fund and self-insured rules to assess removing penalty amounts to eliminate the need to perform rulemaking every three years when those penalty amounts change based on the Consumer Price Index.</p>	3/1/22 22-06-078	Anticipate filing 8/2/22	Anticipate filing 10/18/22	Jo Anne Attwood Employer Services 360-902-4777
296-17 296-17B	Industrial Insurance Premium Rates 2023	The purpose of this rulemaking is to establish the premium rates and experience rating parameters for calendar year 2023.	6/21/22 22-13-146	Anticipate filing 9/20/22	Anticipate filing 11/30/22	Jo Anne Attwood Employer Services 360-902-4777
	Drywall rules re-write	The purpose of this rulemaking is to re-write the drywall rules for clarity and ease of administration for our customers.	To be determined	To be determined	To be determined	Jo Anne Attwood Employer Services 360-902-4777



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296-23	Independent Medical Examinations (IMEs) (ESSB 6440)	The purpose of this rulemaking is to create new rules required by Engrossed Substitute Senate Bill 6440 to address how to accommodate an injured worker if no approved independent medical examiner in the specialty needed is available in a reasonably convenient location, as well as how telemedicine IMEs may be used.	10/6/20 20-20-111	To be determined	To be determined	Kristen Baldwin-Boe Health Services Analysis 360-902-6815
296-20 296-23	Medical Aid Rules - Conversion Factors	The purpose of this rulemaking is to update rates for most professional health care services for injured workers, which are published annually in the Medical Aid Rules and Fee Schedules.	Anticipate filing December 2022	Anticipate filing February 2023	Anticipate filing May 2023	Megan Lemon 360-902-5161 Bob Mayer 360-902-5021 Health Services Analysis
296-14	Occupational Disease Presumption (SSB 6214, HB 1913)	The purpose of this rulemaking is to amend existing rules to align with RCW 51.32.185 and clarify presumptive occupational disease coverage for certain firefighters, law enforcement officers, and emergency medical technicians covered under workers' compensation. The rulemaking implements legislation passed during the 2018 and 2019 sessions, Chapter 264, Laws of 2018, Substitute Senate Bill 6214 and Chapter 133, Laws of 2019, House Bill 1913) which updated to RCW 51.32.185 regarding an occupational disease presumption.	11/19/19 19-23-081	Anticipate filing 7/19/22	Anticipate filing 10/4/22	Jordan Ely Legal Services 360-902-4616



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296-21	Master’s Level Therapists Pilot	The purpose of this pilot rulemaking is to allow master’s level therapists (MLTs) to treat injured workers. L&I decided to initiate a pilot to help determine how MLTs can best be incorporated into the workers’ compensation setting. Under this pilot, these current provisions related to treatment by MLTs are waived for pilot participants only. The pilot began on January 1, 2020, and the exceptions granted are effective throughout a four-year pilot period or as otherwise specified.	12/3/19 19-24-087	To be determined	To be determined	Suzy Campbell Legal Services 360-902-5003
296-14	Verification for Presumptive Coverage of Frontline Employees and Healthcare Workers (ESSB 5115 & ESSB 5190)	The purpose of this rulemaking is to implement Engrossed Substitute Senate Bills 5115 and 5190 (2021 legislative session), which created a new presumption for frontline and health care workers that any infectious or contagious diseases which are the subject of a public health emergency are occupational diseases during a health emergency. RCWs 51.32.181 and 51.32.390 explain that frontline and health care workers must provide verification that they contracted the infectious or contagious disease that is the subject of the public health emergency. A new rule is needed in order to define “verification” and any associated processes the workers must follow in order to prove contraction of the infectious or contagious disease.	6/21/22 22-13-149	Anticipate filing 9/20/22	To be determined	Jordan Ely Legal Services 360-902-4616



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296-14	Presumptive PTSD Coverage (SSB 6214 and SHB 2758)	<p>The purpose of this rulemaking is to explain clearly when a presumption exists for the groups identified in both Substitute Senate Bill 6214 and Substitute House Bill 2758, and when a presumption does not exist what must occur to meet the definition of occupational disease. SSB 6214 also requires L&I to adopt rules implementing this distinction.</p> <p>Prior to the passage of SHB 2758, L&I filed a CR-101 on Aug 21, 2018 (WSR 18-17-151), which will be withdrawn once a new CR-101 is filed.</p>	Anticipate filing 7/19/22	Anticipate filing 11/22/22	To be determined	Jordan Ely Legal Services 360-902-4616
296-14	Pension Discount Rate 2023	The purpose of this rulemaking is to lower the pension discount rate (PDR) to better align with the rate of return for long-term treasuries for self-insured pensions. The PDR is the interest rate used to account for the time value of money when evaluating the present value of future pension payments.	Anticipate filing 8/2/22	Anticipate filing 11/22/22	To be determined	Suzy Campbell Legal Services 360-902-5003
296-20	Reopenings (SHB 1902)	Substitute House Bill 1902 (2022) expands the time period L&I or the self-insured employer can retroactively pay time-loss and treatment benefits on reopened claims if specific exceptions are met. A rule is needed to clarify when and how L&I or the self-insured employer can pay these benefits beyond 60 days prior to the receipt of the application, up to 120 days.	Anticipate filing 8/23/22	Anticipate filing 12/6/22	To be determined	Suzy Campbell Legal Services 360-902-5003



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296-20	Osteopathic Physician Assistants	The purpose of this rulemaking is to make language on physician assistants in the Medical Aid Rules consistent with language in Substitute House Bill 2378 (Chapter 80, Laws of 2020). This bill amends some sections in the DOH Title 18 RCW by deleting references to “osteopathic physician assistants” and repealing chapter 18.57A RCW, Osteopathic Physician Assistants. Effective July 1, 2022, all physician assistants will be regulated under chapter 18.71A RCW Physician Assistants.	N/A	To be determined (CR-105)	To be determined	Jami Lifka Office of the Medical Director Jami.Lifka@Lni.wa.gov
296-17B	Retrospective Rating for Workers’ Compensation Insurance	This rulemaking will address extending requirements for businesses that enroll in individual retro plans and revise enrollment requirements for businesses under common majority ownership.	11/5/13 13-22-071	To be determined	To be determined	Rachelle Bohler Retrospective Rating 360-902-5967
296-17B	Retrospective Rating for Workers’ Compensation Insurance – Common Ownership (Pilot)	This pilot rulemaking will consider/allow exceptions to the Retroactive Rating Program’s current common ownership rule (WAC 296-17B-770) as written.	8/5/15 15-16-132	To be determined	To be determined	Rachelle Bohler Retrospective Rating 360-902-5967



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296-17 296-17B	Retrospective Rating Insurance Tables Update	The purpose of this rulemaking is to consider updating the Retrospective Rating Insurance Tables. When WAC 296-17B-010 was updated in 2017, L&I made a commitment to “repeat the studies that resulted in the hazard group assignments and changes to retrospective plan tables that are shown in WAC 296-17-901, 296-17B-300, 296-17B-560, 296-17B-830, and 296-17B-910 through 296-17B-990. The repeated studies will determine whether the results are consistent with the expectation of improved fairness in the distribution of the retrospective rating refunds among participants. These repeated studies will be done by April 1, 2020. The department will evaluate and if necessary update the tables beginning at WAC 296-17B-910 every five (5) years.” (WSR 17-12-020)	4/20/22 22-09-085	Anticipate filing 10/4/22	Anticipate filing May 2023	Jessica Nau Retrospective Rating 360-902-5694