

**WAC 296-14A-010 Negotiating settlements—How is a structured settlement agreement negotiated in a state fund claim?** (1) In a state fund claim, any party may submit a structured settlement application form to the department.

(2) The department will perform an initial review and determine if negotiations should proceed. When deciding whether to enter into negotiations for a structured settlement, the department will consider the following nonexclusive factors:

- (a) Worker's age;
- (b) Nature and extent of injury(ies) or disease(s) related to the claim;
- (c) Nature and extent of disabilities related to the condition(s) accepted under the claim;
- (d) Other medical conditions unrelated to the claim;
- (e) Other open or closed worker compensation claims for the worker;
- (f) Other settlements for injuries or diseases;
- (g) Worker's life expectancy;
- (h) Worker's marital or domestic partnership status;
- (i) Number and age of dependents;
- (j) Worker's sources of present and future income and benefits;
- (k) Worker's employment history;
- (l) Worker's education history;
- (m) Worker's labor market;
- (n) The effect a structured settlement agreement might have on other benefits the worker is receiving or entitled to receive.

(3) If the department decides to negotiate, it will contact the other required parties and obtain their consent to move forward in negotiations, and obtain their consent about how the negotiations will be conducted. Negotiations may be conducted in-person, by phone, or by letter.

(4) If all of the parties voluntarily agree to a settlement, the department will put the agreement in writing. All parties must sign the agreement.

(5) After all parties have signed the structured settlement agreement, the department will forward a copy of the signed agreement to the board of industrial insurance appeals (BIIA), and provide any necessary documentation for the BIIA approval process.

[Statutory Authority: RCW 51.04.020, 51.04.030, and 2011 1st sp.s. c 37 § 305. WSR 12-07-065, § 296-14A-010, filed 3/20/12, effective 4/20/12.]