

WSR 22-13-149
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 21, 2022, 8:50 a.m.]

Subject of Possible Rule Making: Chapter 296-14 WAC, Industrial insurance. Verification for presumptive coverage of frontline employees and health care workers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.32.181, and 51.32.390.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 5115 and ESSB 5190, 2021 legislative session, 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. Both bills became law in 2021 with the creation of RCW 51.32.181 and 51.32.390. As part of this presumption, these RCW 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.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of health.

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jordan Ely, Department of Labor and Industries, Insurance Services, Legal Services, P.O. Box 44270, Olympia, WA 98504-4270, phone 360-902-4616, fax 360-902-5029, TTY 360-902-4252, email Jordan.ely@Lni.wa.gov.

June 21, 2022
Joel Sacks
Director