

WSR 24-21-036

AGENDA

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed October 7, 2024, 4:03 p.m.]

The department of labor and 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 rule-making activities for L&I. This agenda is for informational purposes and the noted dates of anticipated rule-making actions are estimates. There may be additional rule-making 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 rule-making processes by attending public hearings and submitting comments regarding rules. Rule-making information is available on the L&I 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 Maggie Leland at 360-902-4504 or Maggie.Leland@Lni.wa.gov if you have any questions.

KEY:

CR: "Code reviser" on the rule-making 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.

Semi-Annual Rules Development Agenda
July 1 - December 31, 2024

Table with 7 columns: WAC CHAPTER, RULE SUBJECT, PURPOSE AND SCOPE OF RULE MAKING, Preproposal Notice (CR-101) Filing Date and WSR #, Proposed Rule (CR-102 or CR-105) Filing Date and WSR #, Permanent Rule (CR-103) Filing Date and WSR #, AGENCY CONTACT. Row 1: 296-62, 296-155, Lead, This rule making is in response to a petition and a series of stakeholder meetings. This rule making 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, Ryan Allen DOSH Standards Program 360-902-4758

WAC CHAPTER	RULE SUBJECT	PURPOSE AND SCOPE OF RULE MAKING	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Permanent Rule (CR-103) Filing Date and WSR #	AGENCY CONTACT
296-52	Safety Standards for Possession, Handling, and Use of Explosives	The purpose of this rule making 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	Ryan Allen DOSH Standards Program 360-902-4758
To be determined	Occupational Exposures to Infectious or Contagious Diseases (2021's ESSB 5092 Implementation)	The purpose of this rule making is to implement the requirements of 2021's ESSB 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	Ryan Allen DOSH Standards Program 360-902-4758
296-155	Trenching Rescue and Excavation Plan	The purpose of this rule making 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	Anticipate filing 12/17/24	Anticipate filing 3/4/25	Ryan Allen DOSH Standards Program 360-902-4758
296-155	Cranes, Rigging, and Personnel Lifting (includes implementing portions of 2024's 2SHB 2022)	The purpose of this rule making is to amend the safety standards for cranes and derricks in construction, due in part to the federal Occupational Safety and Health Administration (OSHA) updating their standards. This rule making 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 rule-making preproposals regarding these subjects initiated in 2018 and 2019 were withdrawn under WSR 21-14-078 and 21-14-079. This rule making will also implement portions of 2SHB 2022 (chapter 311, Laws of 2024) regarding construction crane safety and tower cranes.	7/6/21 21-14-080	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758

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296-56	Longshore and Waterfront Operations and Restrooms in Ports and Railyards (2022's SHB 1706 Implementation)	The purpose of this rule making is to align the rule with RCW 70.54.480, created by SHB 1706 (chapter 204, Laws of 2022), regarding drayage truck operators access to restrooms when operating in or on a port or rail yard property. New requirements will include access to restrooms and dedicated space for lactation. This rule making will also better align chapter 296-56 WAC with OSHA requirements for marine terminals in 29 C.F.R. 1917, Subpart A.	9/6/22 22-18-081	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
296-155 296-307 296-800	Voluntary Use of Personal Protective Equipment (PPE)	The purpose of this rule making is to allow the voluntary use of PPE when workers feel the need to protective themselves from noise, dust, or possible infectious or contagious diseases. The voluntary use of PPE must not introduce hazards to the work environment and any PPE, including facial coverings, must not interfere with an employer's security requirements.	3/22/23 23-07-139	3/5/24 24-06-069	8/20/24 24-17-125	Ryan Allen DOSH Standards Program 360-902-4758
296-880	Unified Safety Standards for Fall Protection	The purpose of this rule making is to amend sections of rule in order to be at-least-as-effective-as OSHA under the Washington state plan and to provide additional worker protections. This rule making proposes changes to sections of the current rule that address leading edge work, safety monitor system requirements, and roofing activity on low-pitched roofs.	2/6/24 24-04-090 (CR-105)	7/2/24 24-14-112	9/3/24 24-18-101	Ryan Allen DOSH Standards Program 360-902-4758
To be determined	Fire-Resistant Material Applicators (2023's SHB 1323 Implementation)	The purpose of this rule making is to implement the requirements of SHB 1323 (chapter 145, Laws of 2023) related to requiring a training and certification program for individuals who apply fire-resistant materials and provides for enforcement.	2/6/24 24-04-091	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
296-900	Monetary Penalties and Appeals	The purpose of this rule making is to update how certain penalties are calculated in order to make penalties more effective and to address concerns raised through the OSHA State Activities Mandated Measures (SAMM) report. This report indicates that Washington penalties continue to be below the national average. OSHA uses the SAMM report to determine whether state plans are as-effective-as OSHA. Changes considered under this rule making include adding inflation adjustments to the penalty calculations. In addition, state-initiated amendments will also be proposed to address other areas and make housekeeping updates relating to penalties and appeals, and address orders of immediate restraint.	4/16/24 24-09-063	9/3/24 24-18-095	Anticipate filing 12/17/24	Ryan Allen DOSH Standards Program 360-902-4758

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296-831	Adult Entertainer Safety (2024's ESSB 6105 Implementation)	The purpose of this rule making is to implement the requirements of section 1 of ESSB 6105 (chapter 250, Laws of 2024) codified in chapter 49.17 RCW. This rule making addresses some of the following requirements of adult entertainment establishments: <ul style="list-style-type: none"> <li>• Trainings.</li> <li>• Panic buttons.</li> <li>• Block list and panic button policies and procedures.</li> <li>• Security personnel availability and task dedication.</li> </ul> Other requirements of ESSB 6105 related to adult entertainment establishments are enforced by L&I's fraud prevention and labor standards division and those requirements are being proposed under a separate, but coordinated, rule-making effort.	5/7/24 24-11-022	9/4/24 24-18-123	Anticipate filing 12/2/24	Ryan Allen DOSH Standards Program 360-902-4758
296-820 296-307 Part G-1	Wildfire Smoke	The purpose of this rule making is to update the air quality index (AQI) values referenced in the wildfire smoke rules to reflect changes that the Environmental Protection Agency made to the AQI that became effective on May 6, 2024. This will ensure that the regulated community will be able to comply with the rule requirements when using data sources that do not display the hourly PM <sub>2.5</sub> concentrations.	5/21/24 24-11-143 (CR-105)	Anticipate filing 10/17/24	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
296-800	Safety and Health Core Rules	The purpose of this rule making is to remove confusing and unnecessary language as well as update where necessary to align with the requirements of federal OSHA and Washington state rules. In addition, this rule making intends to: <ul style="list-style-type: none"> <li>• Consider updates to WAC 296-800-13020 in response to a petition regarding the length of the term a safety committee member may serve.</li> <li>• Address housekeeping and formatting issues.</li> </ul>	7/23/24 24-15-126	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
296-45	High Voltage Lines and Equipment—Automated External Defibrillators (AED) (2023's HB 1542 Implementation)	The purpose of this rule making is to implement the provisions of HB 1542 (chapter 253, Laws of 2023) related to requiring AEDs to be available and accessible when work is being performed on high voltage lines and equipment.	N/A	9/3/24 24-18-111 (CR-105)	Anticipate filing 11/19/24	Ryan Allen DOSH Standards Program 360-902-4758

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296-155	Sanitary Conditions for Construction Workers (2024's EHB 2266 Implementation)	The purpose of this rule making is to implement the requirements of EHB 2266 (chapter 258, Laws of 2024), codified under RCW 49.17.530, which became effective June 6, 2024. EHB 2266 requires employers in the construction industry to provide workers performing construction activities and who menstruate or express milk the following: <ul style="list-style-type: none"> <li>• Access to an adequate portable toilet or restrooms, accessible on the worksite, or access to a permanent structure with a restroom.</li> <li>• Adequate and convenient supply of menstrual hygiene products at no cost to employees.</li> <li>• Reasonable accommodations to express milk.</li> </ul> EHB 2266 requires L&I's rules identify minimum reasonable accommodations for expressing milk that include alternatives for worksites of varying numbers of employees.	9/17/24 24-19-074	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
296-830 (New)	Workplace Violence in Health Care (Implementation of 2019's SHB 1931 and 2020's E2SSB 6205)	The purpose of this expedited rule making is to adopt into rule statutory requirements under chapter 49.19 RCW, Safety—Health care settings; chapter 72.23 RCW, Public and private facilities for mentally ill; and chapter 49.95 RCW, Long-term care workers. The requirements under these existing statutes require employers in covered health care settings to establish a program to address workplace violence and abusive behavior in health care settings, which includes creating policies, providing training to employees, and recording incidents. Prior to this rule making, L&I's DOSH has addressed enforcement of the requirements under chapters 49.19 and 72.23 RCW, and through DOSH Directive 5.07.	N/A	10/1/24 24-20-114 (CR-105)	Anticipate filing 12/17/24	Ryan Allen DOSH Standards Program 360-902-4758
296-27	Improving Illness and Injury Tracking	Rule making is anticipated to update Washington's rule regarding illness and injury tracking and reporting to align with recent updates from OSHA.	N/A	Anticipate filing 11/19/24 (CR-105)	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
296-900	Worker Walk-around Rule	The purpose of this rule making is to align DOSH's rule with OSHA's final rule that clarifies who may serve as employees' authorized representative during the physical inspection of an employer's workplace (i.e., "walk-around"). This rule clarifies that employees may designate a nonemployee as their representative for the purpose of aiding the inspection. The representative authorized by employees may be an employee of the employer or a third party.	To be determined	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758

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296-155	Tower Crane Permitting Program (2024's 2SHB 2022 Implementation)	The purpose of this rule making is to implement provisions of 2SHB 2022 (chapter 311, Laws of 2024) related to construction crane safety. L&I must establish a tower crane permitting process for the performance of any work involving the operation, assembly, disassembly, or reconfiguration of a tower crane. The minimum requirements for the permit include a complete permit application, a safety conference, certain notifications to L&I, inspections, and other provisions.	To be determined	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
To be determined	Ergonomics (2023's ESSB 5217 Implementation)	Rule making is anticipated to implement the provisions of ESSB 5217 (chapter 112, Laws of 2023) related to regulating certain industries and risk classifications to prevent musculoskeletal injuries and disorders. ESSB 5217 directs L&I to annually publish a list of industries and risk classes eligible for rule making based on the criteria in ESSB 5217 and a high priority list of those most likely to be selected for new rules. This rule making will cover one industry or risk class from the high priority list published in November 2023.	To be determined	To be determined	To be determined	Beth Covert DOSH Beth.Covert@Lni.wa.gov
<b>Division: Field Services and Public Safety</b>						
296-150F	Factory Assembled Structures (FAS): Factory-Built Housing and Commercial Structures (Implementation of 2019's E3SHB 1257, HB 1486, and ESSB 5383)	The purpose of this rule making is to update the rule regarding factory-built housing and commercial structures to include panelized construction. This rule making will include intent to make the rule related to E3SHB 1257 (chapter 285, Laws of 2019) Energy efficiency, HB 1486 (chapter 165, Laws of 2019) Delegation of authority, and ESSB 5383 (chapter 352, Laws of 2019) Tiny houses.	7/2/19 19-14-106	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244
296-400A	Plumber Certification Rules —Phase 3 (2020's SB 6170 Implementation)	The purpose of this rule making is to consider amendments to implement the legislative changes made within the Plumbing Act (chapter 153, Laws of 2020, SB 6170), and updates to continuing education, training programs, and other necessary updates to the plumbing rule.	1/18/22 22-03-073	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244
296-150C 296-150F 296-150I 296-150M 296-150P 296-150R 296-150T 296-150V	FAS Fees Increase (Fiscal Year (FY) 2025)	The purpose of this rule making is to consider a fee increase by the 2025 fiscal growth factor rate of 6.4 percent for FAS to cover operating expenses for the FAS program. The current fee levels are insufficient to cover current program expenses. The fee increase is necessary to ensure that revenues match expenditures.	6/4/24 24-12-070	8/6/24 24-16-128	Anticipate filing 10/22/24	Meagan Edwards Field Services and Public Safety 360-522-0125

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296-400A	Plumber Certification Rules (2024's SHB 1889 and ESB 5997 Implementation)	The purpose of this expedited rule making is to amend the plumber trainee requirements under WAC 296-400A-120. The amendments affect the application for a certificate, supervision ratios, and infraction for failing to report hours for plumber trainees. The amendment is necessary due to the passage of SHB 1889 (chapter 50, Laws of 2024) and ESB 5997 (chapter 97, Laws of 2024).	N/A	7/23/24 24-15-121 (CR-105)	9/24/24 24-20-034	Meagan Edwards Field Services and Public Safety 360-522-0125
296-104	Boiler Rule and Fee Increases (FY26)	The purpose of this rule making is to consider amendments to the boiler rules and a fee increase by the fiscal growth factor rate.	Anticipate filing 10/22/24	Anticipate filing 1/2/25	Anticipate filing 4/22/25	Meagan Edwards Field Services and Public Safety 360-522-0125
296-200A	Contractor Registration Fees Increase (FY26)	The purpose of this rule making is to consider amendments to the contractor registration rules. The amendments under consideration would increase fees by the fiscal growth factor rate to support operating expenses for L&I's contractor registration program. The current fee levels are insufficient to cover program expenses. A fee increase is needed to ensure that revenues match expenditures.	Anticipate filing 10/22/24	Anticipate filing 1/21/25	Anticipate filing 4/22/25	Meagan Edwards Field Services and Public Safety 360-522-0125
296-46B	Electrical Fees Increase (FY26)	The purpose of this rule making is to consider amendments to the electrical rules. The amendments under consideration would increase fees to support operating expenses for L&I's electrical program. The current fee levels are insufficient to cover program expenses. A fee increase is needed to ensure that revenues match expenditures.	Anticipate filing 10/22/24	Anticipate filing 2/4/25	Anticipate filing 4/1/25	Meagan Edwards Field Services and Public Safety 360-522-0125
296-96	Elevator Fees Increase (FY26)	The purpose of this rule making is to consider amendments to the elevator rule. The amendments under consideration would increase fees by the fiscal growth factor rate to support operating expenses for L&I's elevator program. The current fee levels are insufficient to cover program expenses. A fee increase is needed to ensure that revenues match expenditures.	To be determined	To be determined	To be determined	Meagan Edwards Field Services and Public Safety 360-522-0125
<b>Division: Fraud Prevention and Labor Standards</b>						

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296-127	Prevailing Wage—Housekeeping (Implementation of 2019's HB 1743 and ESSB 5035, and 2023's SB 5088)	The purpose of this rule making is to amend three rule sections to bring them into alignment with amendments made to underlying statutes they help to interpret and enforce, and amend one rule section to align with current L&I practice. These include: <ul style="list-style-type: none"> <li>• WAC 296-127-010, amend to align with HB 1743 (chapter 29, Laws of 2019).</li> <li>• WAC 296-127-140, amend to align with SB 5088 (chapter 88, Laws of 2023).</li> <li>• WAC 296-127-160, amend to align with current L&amp;I practice and to reduce paperwork.</li> <li>• WAC 296-127-320, amend to align with ESSB 5035 (chapter 242, Laws of 2019).</li> </ul>	3/5/24 24-06-070 (CR-105)	7/2/24 24-14-113	Anticipate filing 10/17/24	Reasa Pearson Fraud Prevention and Labor Standards 360-999-7226
296-128	Paid Sick Leave (2024's ESSB 5793 and SB 5979 Implementation)	The purpose of this rule making is to amend the rule in accordance with legislation passed in 2024. SB 5979 (chapter 39, Laws of 2024) changes which workers in the construction industry must receive paid sick leave pay outs following separation. ESSB 5793 (chapter 356, Laws of 2024) allows workers to use paid sick leave when their child's school or place of care is closed after the declaration of an emergency by a local or state government or agency, or by the federal government, and expands the definition of family member.	N/A	5/7/24 24-11-021 (CR-105)	7/23/24 24-15-118	Bridget Osborne Fraud Prevention and Labor Standards 360-902-5552
296-128	Labor Standards for Adult Entertainment Establishments (2024's ESSB 6105 Implementation)	The purpose of this rule making is to implement the requirements of section 2 of ESSB 6105 (chapter 250, Laws of 2024), codified in chapter 49.46 RCW. This rule making includes labor standard requirements for adult entertainment establishments regarding: <ul style="list-style-type: none"> <li>• Leasing and other fees.</li> <li>• Signage.</li> <li>• Tips and gratuities.</li> <li>• Termination or refusal to rehire.</li> </ul> Other requirements of ESSB 6105 related to adult entertainment establishments are enforced by L&I's DOSH and those requirements are being proposed under a separate, but coordinated, rule-making effort.	5/7/24 24-11-023	9/3/24 24-18-110	Anticipate filing 12/2/24	Bridget Osborne Fraud Prevention and Labor Standards 360-902-5552



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296-05	Apprenticeship Standards Submittal Deadline (2022's ESSB 5600 Implementation)	The purpose of this rule making is to consider amending WAC 296-05-008 Meetings and adjudicative proceedings, to adjust the submittal deadline for apprenticeship programs requesting new program standards or changes to existing standards. The change is based on implementation of E2SSB 5600 (chapter 156, Laws of 2022) concerning the sustainability and expansion of state registered apprenticeship programs (RCW 49.04.240). Industry sector platforms that collaborate with and support apprenticeships must review proposed standards when submitted by an apprenticeship program and provide a recommendation to the Washington state apprenticeship training council for consideration in approving or denying the proposed apprenticeship program standards. This rule making would adjust the deadline to allow adequate time for the additional level of review.	6/18/24 24-13-091	8/6/24 24-16-131	Anticipate filing 10/17/24	Kristin Murphy Fraud Prevention and Labor Standards 564-999-0975
296-126 296-128	Subminimum Wage Certificates (2021's ESSB 5284 Implementation)	The purpose of this rule making is to amend and repeal rules relating to subminimum wage certificates issued for the employment of individuals with disabilities at less than the minimum wage. The underlying statute, RCW 49.46.170, is no longer in effect due to section 3 of ESSB 5284 (chapter 97, Laws of 2021).	N/A	7/23/24 24-15-125 (CR-105)	10/1/24 24-20-113	Michael Davis Fraud Prevention and Labor Standards 253-878-4043
To be determined	Equal Pay and Opportunities Act (2024's SHB 1905 Implementation)	The purpose of this rule making is to implement SHB 1905 (chapter 353, Laws of 2024). The bill significantly expands the existing worker protections against pay and promotion discrimination based on gender under Washington Equal Pay and Opportunities Act (EPOA) under chapter 49.58 RCW by broadening its protections to include 14 protected classes. The rule making will also clarify existing EPOA requirements.	8/6/24 24-16-133	Anticipate filing 1/21/25	Anticipate filing 5/20/25	Reed Simock Fraud Prevention and Labor Standards 360-480-3237
<b>Division: Insurance Services</b>						

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296-17 296-17A	Employment Covered by RCW 51.32.187 (Department of Energy (DOE) Hanford Site Contractors)	The purpose of this rule making is to allow contractors of DOE working at the Hanford site to have their contractors and subcontractors covered under the state fund. L&I filed continuances on October 27 and November 6, 2020, ultimately extending the comment period to February 1, 2021, under WSR 20-22-038 and 20-23-017. 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 the proposed rule amendments for potential future rule making.	3/3/20 20-06-060	9/22/20 20-19-132 (withdrawn) 10/27/20 20-22-038 11/6/20 20-23-017	To be determined	Jo Anne Attwood Employer Services 360-902-4777
296-17 296-17A	Transportation Network Companies (TNC) Classification, Premium Rate, and Death Benefit (2024's SHB 2382 Implementation)	The purpose of this rule making is to create a new risk classification for TNCs. RCW 51.16.035 requires L&I to classify all occupations or industries by degree of hazard. L&I researched and evaluated the impact of TNCs on Classification 1401 taxi and determined TNCs represent at least 95 percent of the classification. The proposed rule includes a premium rate for the new TNC risk classification for 2025. In addition, L&I anticipates creating a rule to implement SHB 2382 (chapter 184, Laws of 2024), which provides for TNC driver death benefits during noncovered times in certain circumstances.	3/26/24 24-08-026	9/17/24 24-19-078	Anticipate filing 11/26/24	Jo Anne Attwood Employer Services 360-902-4777
296-17 296-17A	Reporting and Classification Amendments for 2025	The purpose of this rule making is to implement clear rule writing to ensure staff and customers can easily understand and apply the workers' compensation insurance classification and reporting rules. L&I's classification development studied some subclassifications for potential reduction in number, and reviewed classification and reporting rules for improvement and clarification.	5/21/24 24-11-123	8/20/24 24-17-127	Anticipate filing 11/19/24	Jo Anne Attwood Employer Services 360-902-4777
296-17 296-17A	Higher Education Classifications and Premium Rates 2025	The purpose of this rule making is to consider changes to Classification 4906 Institutions of higher learning. Classification development's goal is to fairly apply the workers' compensation insurance classifications and to ensure fair and equitable rates.	6/4/24 24-12-071	To be determined	To be determined	Jo Anne Attwood Employer Services 360-902-4777
296-17 296-17B	Industrial Insurance Premium Rates 2025	The purpose of this rule making is to establish the premium rates and experience rating parameters for calendar year 2025.	6/18/24 24-13-090	9/17/24 24-19-072	Anticipate filing 11/26/24	Jo Anne Attwood Employer Services 360-902-4777

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296-16 296-16A	Workers' Compensation Incentives: Preferred Worker and Stay-at-Work (2024's SHB 2127 and HB 1927 Implementation)	The purpose of this rule making is to implement requirements of SHB 2127 (chapter 90, Laws of 2024). Amendments to the rules would increase reimbursements for the stay-at-work program participants, and increase employer incentives under the preferred worker program to be consistent with the stay-at-work program. This rule making will also implement HB 1927 (chapter 144, Laws of 2024) regarding reducing the number of consecutive days of time-loss required to qualify for preferred worker certification from 14 to seven days.	7/23/24 24-15-119	10/1/24 24-20-111	Anticipate filing 11/19/24	Annie Peeples Employer Services 360-902-4723
296-19A	Vocational Rehabilitation (2024's SHB 2127 Implementation)	The purpose of this rule making is to implement requirements of SHB 2127 (chapter 90, Laws of 2024) concerning a new vocational skill enhancement benefit and increased amounts for job modification and prejob accommodations. L&I proposes to correct RCW subsection references, update benefit amounts for job modification and prejob accommodations, and clarify the ability of vocational counselors to help workers access skill enhancement training and how these skills are reported.	7/23/24 24-15-120	10/1/24 24-20-112	Anticipate filing 11/19/24	Sarah Moran Return to Work Partnerships 360-902-6362
296-23	Corecording of Independent Medical Examination (IME)	The purpose of this rule making is to establish rules for corecording of IMEs by an IME provider upon consent from the worker.	8/21/24 24-17-141	December 2024	To be determined	Kristen Baldwin-Boe Health Services Analysis 360-902-6815
296-23	IME Third-Party Recording (Pilot Rule Making)	The purpose of this rule making is to establish rules for third-party recordings of IMEs when a worker consents to allowing an independent third party to record the exam. L&I intends to use pilot rule making to develop the proposed rules to evaluate a process for the use of a third-party company to conduct and store recordings.	8/21/24 24-17-142	To be determined	To be determined	Kristen Baldwin-Boe Health Services Analysis 360-902-6815
296-20	Physician Assistant Billing Procedure	The purpose of this rule making is to remove the requirement that physician assistants be paid 90 percent of the fee schedule value for procedures they perform and instead allow them to be paid up to the maximum fee listed on the fee schedule.	9/3/24 24-18-096	Anticipate filing 10/22/24	Anticipate filing 1/21/25	Megan Lemon 360-902-5161 Marc Hobbs 360-902-4244 Health Services Analysis
296-20 296-23	Medical Aid Rules —Conversion Factors	The purpose of this rule making 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 12/3/24	Anticipate filing 3/18/25	Anticipate filing 5/20/25	Megan Lemon 360-902-5161 Marc Hobbs 360-902-4244 Health Services Analysis

WAC CHAPTER	RULE SUBJECT	PURPOSE AND SCOPE OF RULE MAKING	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Permanent Rule (CR-103) Filing Date and WSR #	AGENCY CONTACT
296-14	Pension Discount Rate (PDR) 2025	The purpose of this rule making is to lower the PDR to better align with the rate of return for long-term treasuries for self-insured pensions. PDR is the interest rate used to account for the time value of money when evaluating the present value of future pension payments. This rule making proposes to lower PDR for self-insured employers, effective April 1, 2025.	8/6/24 24-16-129	Anticipate filing 10/22/24	Anticipate filing 1/21/25	Suzy Campbell Legal Services 360-902-5003
296-23	Acupuncture	The purpose of this rule making is to consider amending WAC 296-23-238, which limits payments to a maximum of 10 visits based on L&I's review of safety and efficacy data for a lower back condition. L&I is considering amending this section in order to have some flexibility to pay for a different number of visits for other conditions when acupuncture has been shown to be safe and effective for that condition per L&I review. The maximum number of visits could be taken out of rule and, instead, specified in the medical coverage decision for each condition.	8/20/24 24-17-126	Anticipate filing 11/5/24	Anticipate filing 1/21/25	Jami Lifka Office of the Medical Director 360-902-4941 Jami.Lifka@Ln i.wa.gov
296-14 296-15 296-16 296-19A 296-20 296-21 296-23 296-23A	Psychologists as Attending Providers (Implementation of 2023's HB 1197 and 2024's E2SSB 6205)	The purpose of this rule making is to implement HB 1197 (chapter 171, Laws of 2023). Physician assistants, and psychologists in the case of claims solely for mental health conditions, may be added to the definition of "attending provider" in WAC 296-20-01002. Amendments to other terms within WAC 296-20-01002 and amendments to other sections and multiple chapters may be needed to be consistent with HB 1197. L&I also intends to amend WAC 296-20-01501 to align language with ESHB 2041 (chapter 62, Laws of 2024) and the department of health/ Washington medical commissions' corresponding rule updates to chapter 246-918 WAC.	9/17/24 24-19-073	Anticipate filing 12/17/24	Anticipate filing 5/6/25	Jami Lifka Office of the Medical Director 360-902-4941 Jami.Lifka@Ln i.wa.gov
296-17B	Retrospective Rating for Workers' Compensation Insurance	This rule making 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 rule making 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