

(Effective until July 1, 2024)

WAC 296-15-260 Corrective action or withdrawal of certification.

(1) Corrective action against a self-insured employer shall be by order and notice. A notice of corrective action shall include the nature and specifics of the findings and may include the following:

(a) Probationary certification status for the self-insured employer for a period not to exceed one year;

(b) Mandatory training to correct areas of program deficiency to be approved by the department.

The subject matter to be covered shall be specified in the notice of corrective action. Personnel required to attend and the time period within which the training is to be conducted will also be identified.

(c) Monitoring activities of the self-insured employer for a specified period of time to determine progress regarding correction of program deficiencies may be required. The department may require submission of complete and accurate records and/or conduct an audit to verify program compliance.

(d) If there is a contract between the self-insured employer and a service organization which has been filed with the department (WAC 296-15-110), the corrective action order may specify and require that the service organization be subject to mandatory training and monitoring of activity provisions of the order.

(e) The corrective action order shall specify a time frame for submission of progress reports to the department's self-insurance section.

(f) During the first thirty days following the corrective action order, the self-insured employer shall submit a plan for the implementation of corrective action which shall include specific completion dates. If the plan is determined to be incomplete or inadequate, the department's self-insurance administrator shall notify the self-insurer of the necessary requirements or changes needed, and shall specify the date by which an amended plan shall be submitted.

(2) If sufficient grounds for decertification exist, an order and notice will be issued. The order and notice will include the following:

(a) The grounds upon which the determination is based.

(b) The period of time within which the grounds existed or arose.

(c) The date, not less than ninety days after the self-insured employer's receipt of the order and notice, when certification will be withdrawn.

(d) Provisions as stipulated by RCW 51.14.090.

(3) Upon conclusion of the probationary certification period in the case of corrective action, the program deficiencies requiring corrective action by the self-insured employer shall be evaluated by the department and a written report sent to affected parties. Program activities may be reaudited beyond the stated time period in order to assess continuing compliance with the objectives of the corrective action directives.

(4) If, at the conclusion of the probationary period, program deficiencies continue to exist, the department shall decide whether to extend the period of probation, require additional corrective action or proceed with decertification of the self-insured employer. An order and notice stating the decision shall be issued.

[Statutory Authority: RCW 51.32.190 and 51.14.090. WSR 96-21-145, § 296-15-260, filed 10/23/96, effective 11/25/96. Statutory Authority:

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(a) The grounds upon which the determination is based.

(b) The period of time within which the grounds existed or arose.

(c) The date, not less than 30 days after the self-insured employer's receipt of the order and notice, when certification will be withdrawn.

(d) Provisions as stipulated by RCW 51.14.090.

(5) The director may delay withdrawing the certification of the self-insured employer while the employer has an enforceable contract with a licensed third-party administrator that may not be legally terminated. However, the self-insured employer may not renew or extend the contract.

[Statutory Authority: RCW 51.14.090, 51.14.095, and 51.14.180. WSR 24-11-121, § 296-15-260, filed 5/21/24, effective 7/1/24. Statutory Authority: RCW 51.32.190 and 51.14.090. WSR 96-21-145, § 296-15-260, filed 10/23/96, effective 11/25/96. Statutory Authority: RCW 51.04.020. WSR 86-18-037 (Order 86-35), § 296-15-260, filed 8/28/86. Statutory Authority: RCW 51.04.020(1). WSR 83-24-027 (Order 83-22), § 296-15-260, filed 12/1/83, effective 1/1/84.]