

WSR 22-02-077
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed January 5, 2022, 11:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-23-057.

Title of Rule and Other Identifying Information: Amending WAC 415-104-500 LEOFF Plan 1 minimum medical and health standards. Repealing WAC 415-104-510 through 415-104-755.

Hearing Location(s): On February 8, 2022, at 10:00 a.m. The hearing will be conducted by Zoom. See <https://www.drs.wa.gov/sitemap/rules/#proposed-rule-hearings> for details. Zoom Meeting ID 847 3557 9121, Link <https://us02web.zoom.us/j/84735579121>, Dial-in 253 215 8782 US (Tacoma).

Date of Intended Adoption: February 9, 2022.

Submit Written Comments to: Bailee Roby, Department of Retirement Systems (DRS), P.O. Box 48380, Olympia, WA 98504-8380, email drs.rules@drs.wa.gov, by February 7, 2022.

Assistance for Persons with Disabilities: Contact Bailee Roby, phone 360-664-7235, TTY 711, email drs.Rules@drs.wa.gov, by February 1, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The minimum medical and health standards previously codified in WAC 415-104-510 through 415-104-755 are not currently necessary for administration of the plans and are being repealed.

Reasons Supporting Proposal: The minimum medical and health standards were applicable only for establishing law enforcement officers' and firefighters' (LEOFF) membership between August 1, 1971, and June 30, 1979. The standards are no longer necessary for administration of the plans.

Statutory Authority for Adoption: RCW 41.50.050.

Statute Being Implemented: Chapter 41.26 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DRS, governmental.

Name of Agency Personnel Responsible for Implementation: Candice Myrum, DRS, P.O. Box 48380, Olympia, WA 98504-8380, 360-664-7288.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 (5)(a)(i) does not apply to this proposed rule and is not voluntarily made applicable by the agency.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: DRS' rules only impact members and beneficiaries of the state retirement systems and participating public employers, and do not affect small businesses.

January 5, 2022
Jilene Siegel
Rules Coordinator

OTS-3480.2

AMENDATORY SECTION (Amending WSR 78-03-023, filed 2/15/78)

WAC 415-104-500 ((Purpose.)) LEOFF Plan 1 minimum medical and health standards. ((The regulations contained in WAC 415-104-510 through 415-104-750 are adopted as the minimum medical and health standards which must be met or exceeded before a law enforcement officer or firefighter may become a member of the retirement system contained in chapter 41.26 RCW as now existing or hereafter amended. Such regulations are adopted pursuant to chapter 41.26 RCW (chapter 257, Laws of 1971 1st ex. sess.) and are to be applied consistent with the provisions of that act. The minimum medical and health standards are not hiring standards. They relate only to membership in the LEOFF system.)) The minimum medical and health standards previously codified in WAC 415-104-510 through 415-104-755 are not currently necessary for administration of the plans and are hereby repealed.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. WSR 78-03-023 (Order IV), § 415-104-500, filed 2/15/78. Formerly WAC 297-50-010.]

OTS-3477.1

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 415-104-510	Minimum standards for membership— Physical examination.
WAC 415-104-520	Abdomen and gastrointestinal system.
WAC 415-104-530	Blood and blood-forming tissue diseases.
WAC 415-104-540	Dental.
WAC 415-104-550	Ears.
WAC 415-104-555	Hearing.
WAC 415-104-560	Table 1—Table of acceptable audiometric hearing level.
WAC 415-104-570	Endocrine and metabolic disorders.
WAC 415-104-580	Upper extremities.
WAC 415-104-584	Lower extremities.
WAC 415-104-588	Miscellaneous extremities.
WAC 415-104-590	Eyes.
WAC 415-104-595	Vision.
WAC 415-104-600	Genitalia.
WAC 415-104-605	Urinary system.
WAC 415-104-610	Head.

WAC 415-104-615	Neck.
WAC 415-104-620	Heart.
WAC 415-104-624	Vascular system.
WAC 415-104-628	Heart and vascular system— Miscellaneous.
WAC 415-104-630	Height.
WAC 415-104-634	Weight.
WAC 415-104-638	Body build.
WAC 415-104-640	Lungs and chest wall—General.
WAC 415-104-644	Lungs and chest—Tuberculous lesions.
WAC 415-104-648	Lungs and chest—Nontuberculous lesions.
WAC 415-104-650	Table 2—Table of weight.
WAC 415-104-660	Mouth.
WAC 415-104-663	Nose and sinuses.
WAC 415-104-666	Pharynx, trachea, esophagus, and larynx.
WAC 415-104-668	Miscellaneous mouth, throat, and nose diseases.
WAC 415-104-670	Neurological disorders.
WAC 415-104-680	Psychoses.
WAC 415-104-684	Psychoneuroses.
WAC 415-104-688	Personality disorders.
WAC 415-104-690	Skin and cellular tissues.
WAC 415-104-700	Spine and sacroiliac joints.
WAC 415-104-705	Scapulae, clavicles, and ribs.
WAC 415-104-710	Systemic diseases.
WAC 415-104-715	Miscellaneous conditions and defects.
WAC 415-104-720	Tumors.
WAC 415-104-725	Malignant diseases and tumors.
WAC 415-104-730	Venereal diseases.
WAC 415-104-740	Mental examination.
WAC 415-104-745	Mental examination—Requirement.
WAC 415-104-750	Mental examination—Procedure.
WAC 415-104-755	Mental examination—Retention by employing department.