

WSR 22-09-085
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 20, 2022, 11:48 a.m.]

Subject of Possible Rule Making: Retrospective rating insurance tables update. Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance; and chapter 296-17B WAC, Retrospective Rating for workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.18.005 and 51.16.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: When WAC 296-17B-010 was updated in 2017, the department of labor and industries (L&I) made a commitment to "repeat the studies that resulted in the hazard group assignments and changes to retrospective plan tables that are shown in WAC 296-17-901, 296-17B-300, 296-17B-560, 296-17B-830, and 296-17B-910 through 296-17B-990. The repeated studies will determine whether the results are consistent with the expectation of improved fairness in the distribution of the retrospective rating refunds among participants. These repeated studies will be done by April 1, 2020. The department will evaluate and if necessary update the tables beginning at WAC 296-17B-910 every five (5) years." (WSR 17-12-020)

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulate this issue.

Process for Developing New Rule: L&I will solicit public input by way of direct mailings, the retro web page, GovDelivery, formal and informal meetings, including the retro and workers' compensation advisory committee meetings. L&I will use this input to formulate proposed changes to the existing rules. We will advise customers of future rule making by direct mailing, meetings, and/or the internet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jessica Nau, L&I, Retrospective Rating Program, 7273 Linderson Way S.W., Tumwater, WA 98501, phone 360-902-5694, fax 360-902-4258, email Jessica.Nau@lni.wa.gov, website <https://lni.wa.gov/retro>; or Leslie Qunell, L&I, Retrospective Rating Program, 7273 Linderson Way S.W., Tumwater, WA 98501, phone 360-902-5703, fax 360-902-4258, email Leslie.Qunell@lni.wa.gov, website <https://lni.wa.gov/retro>.

April 20, 2022
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Director