

WSR 23-17-023
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 8, 2023, 8:29 a.m., effective September 8, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: SHB 1068 was adopted into law by the legislature effective July 23, 2023, requiring current rules be updated to align with changes made to RCW 51.36.070. The new statute (chapter 166, Laws of 2023) gives workers the right to record the audio, video, or both, of all independent medical examinations ordered under this statute, RCW 51.32.110, by the department and by the board of industrial insurance appeals. The repealed rule states video and audio recording is not allowed. This rule must be repealed as the statutory amendment invalidated the rule.

Citation of Rules Affected by this Order: Repealing WAC 296-23-367.

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030.

Other Authority: RCW 51.36.070.

Adopted under notice filed as WSR 23-12-072 on June 6, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 1.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 8, 2023.

Joel Sacks
Director

OTS-4558.1

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-23-367 May the worker videotape or audiotape
the independent medical examination?