

WSR 25-08-078

PROPOSED RULES

OFFICE OF

FINANCIAL MANAGEMENT

[Filed April 1, 2025, 5:04 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: WAC 357-19-530

Who is eligible to participate in the employer's return-to-work program?

Hearing Location(s): On May 8, 2025, at 8:30 a.m., via Zoom (with call-in option) at <https://ofm-wa-gov.zoom.us/j/81811350765?pwd=UjHOAyLqQ0dmF2sp7x5aG0KCG0ggY3.1>, Meeting ID 818 1135 0765, Call in 253-215-8782, Passcode 903984.

Date of Intended Adoption: May 15, 2025.

Submit Written Comments to: Brandy Chinn, Office of Financial Management (OFM), 1500 Jefferson Street S.E., P.O. Box 47500, Olympia, WA 98504, email brandy.chinn@ofm.wa.gov, by 11:59 p.m., May 1, 2025.

Assistance for Persons with Disabilities: Contact OFM, TTY 711 or 1-800-833-6384, by 11:59 p.m., May 1, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendment to WAC 357-19-530(3) is to reflect gender-neutral pronouns and to replace the reference to "a physician or licensed mental health professional" with "an attending provider as defined in RCW 51.08.200." The proposed amendment to WAC 357-19-530(3) is to reflect gender-neutral pronouns and to replace the reference to "a physician or licensed mental health professional" with "an attending provider as defined in RCW 51.08.200."

Reasons Supporting Proposal: To align the civil service rules (Title 357 WAC) with the requirements of the law. HB 1197 (chapter 171, Laws of 2023), passed during the 2023 legislative session with an effective date of July 1, 2025, and applies retroactively. Section 7 of this bill amends RCW 51.32.090 to replace all references of a physician or licensed advanced registered nurse practitioner with an attending provider. Section 2 of the bill created RCW 51.08.200 to define an attending provider. RCW 41.06.490(2) requires the OFM director to adopt rules that "provide for eligibility in the return-to-work program, for a minimum of two years from the date the temporary disability commenced, for any permanent employee who is receiving compensation under RCW 51.32.090 and who is, by reason of his or her temporary disability, unable to return to his or her previous work, but is physically capable of carrying out work of a lighter or modified nature."

Statutory Authority for Adoption: RCW 41.06.150.

Statute Being Implemented: RCW 41.06.490.

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

Name of Proponent: OFM, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Brandy Chinn, 1500 Jefferson Street S.E., Olympia, WA 98504, 360-878-2901.

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.

Rules are related to internal government operations and are not sub-

ject to violation by a nongovernmental party. See RCW 34.05.328 (5)(b)(ii) for exemption.

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.

Scope of exemption for rule proposal:

Is fully exempt.

April 1, 2025
Nathan Sherrard
Legal Affairs Counsel

RDS-6208.1

AMENDATORY SECTION (Amending WSR 05-01-206, filed 12/21/04, effective 7/1/05)

WAC 357-19-530 Who is eligible to participate in the employer's return-to-work program? Employees are eligible to participate in the return-to-work employer's program under the following conditions:

- (1) The employee is a permanent employee.
- (2) The employee is receiving compensation under RCW 51.32.090.
- (3) The employee has a temporary disability which makes (~~him/her~~) them temporarily unable to return to (~~his or her~~) their previous work, but who is capable of carrying out work of a lighter or modified nature as evidenced by a written statement from (~~a physician or licensed mental health professional~~) an attending provider as defined in RCW 51.08.200.