

CONCISE EXPLANATORY STATEMENT
Commissioner's Review Procedures

REASONS FOR ADOPTING RULES

This filing is primarily intended to convert existing policies regarding the Commissioner's review of decisions issued by the Office of Administrative Hearings (OAH) into rule.

DIFFERENCES BETWEEN PROPOSED RULES AND ADOPTED RULES

None.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED

Comment: The department should not be identified as an aggrieved party under WAC 192-04-063. It would suffer no personal or property interest harm from a decision of the OAH.

Reasons Not Incorporated in Final Rule: The department has a fiduciary responsibility to maintain the integrity of the trust fund, including maintaining conformity with federal law.

Comment: The current advisement order process has been in place for many years and is used minimally. There is no need to revise the process.

Reasons Not Incorporated in Final Rule: The change to WAC 19-04-175 puts into rule format a policy that has existed within the department for a number of years. Our intent is to provide transparency regarding the department's procedures for requesting advisement orders.

Comment: Assigning staff to write advisement requests would, in this era of economic distress, take one or more persons away from essential functions such as claims processing.

Reasons Not Incorporated in Final Rule: All workload associated with requesting orders of advisement will be absorbed by current staffing. The department does not anticipate a significant increase in the number of such requests.

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