



PROPOSED RULE MAKING

CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: April 01, 2025

TIME: 5:04 PM

WSR 25-08-078

Agency: Office of Financial Management (OFM)

☒ Original Notice

☐ Supplemental Notice to WSR _____

☐ Continuance of WSR _____

☐ Preproposal Statement of Inquiry was filed as WSR _____ ; or

☐ Expedited Rule Making--Proposed notice was filed as WSR _____ ; or

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

☐ Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject)

WAC 357-19-530 Who is eligible to participate in the employer's return-to-work program?

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
May 8, 2025	8:30 a.m.	Zoom Meeting (with call in option) ID: 818 1135 0765 Call in: (253) 215-8782 Passcode: 903984	Zoom link: https://ofm-wa.gov.zoom.us/j/81811350765?pwd=UjHOAyLqQ0dmF2sp7x5aG0KCG0ggY3.1 Passcode if needed: 903984

Date of intended adoption: May 15, 2025 (Note: This is NOT the effective date)

Submit written comments to:

Name: Brandy Chinn
Address: Office of Financial Management
1500 Jefferson Street SE
PO Box 47500, Olympia, WA 98504
Email: brandy.chinn@ofm.wa.gov
Fax:
Other:
By (date) 11:59 p.m. May 1, 2025

Assistance for persons with disabilities:

Contact Office of Financial Management
Phone:
Fax:
TTY: 7-1-1 or 1-800-833-6384
Email:
Other:
By (date) 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. House Bill 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

Is rule necessary because of a:			
Federal Law?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, CITATION:			
Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:			
Type of proponent: <input type="checkbox"/> Private <input type="checkbox"/> Public <input checked="" type="checkbox"/> Governmental			
Name of proponent: (person or organization) Office of Financial Management			
Name of agency personnel responsible for:			
	Name	Office Location	Phone
Drafting:	Brandy Chinn	1500 Jefferson Street SE, Olympia, WA 98504	360-878-2901
Implementation:	Brandy Chinn	1500 Jefferson Street SE, Olympia, WA 98504	360-878-2901
Enforcement:	Brandy Chinn	1500 Jefferson Street SE, Olympia, WA 98504	360-878-2901
Is a school district fiscal impact statement required under RCW 28A.305.135?			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, insert statement here:			
<p>The public may obtain a copy of the school district fiscal impact statement by contacting:</p> <p>Name:</p> <p>Address:</p> <p>Phone:</p> <p>Fax:</p> <p>TTY:</p> <p>Email:</p> <p>Other:</p>			
Is a cost-benefit analysis required under RCW 34.05.328?			
<input type="checkbox"/> Yes: A preliminary cost-benefit analysis may be obtained by contacting: Name: Address: Phone: Fax: TTY: Email: Other:			
<input checked="" type="checkbox"/> No: Please explain: Rules are related to internal government operations and are not subject to violation by a nongovernmental party. See RCW 34.05.328(5)(b)(ii) for exemption.			
Regulatory Fairness Act and Small Business Economic Impact Statement			
Note: The Governor's Office for Regulatory Innovation and Assistance (ORIA) provides support in completing this part.			
(1) Identification of exemptions:			
This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). For additional information on exemptions, consult the exemption guide published by ORIA . Please check the box for any applicable exemption(s):			
<input type="checkbox"/> This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted. Citation and description:			
<input type="checkbox"/> This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.			
<input type="checkbox"/> This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.			

- ☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- | | |
|--|--|
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |
- ☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).
- ☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.
Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- ☒ The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- ☐ The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- ☐ The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- ☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- ☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: 4-1-25

Name: Nathan Sherrard

Title: Legal Affairs Counsel
Office of Financial Management

Signature:

