

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

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FEB 4 9 03 AM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

Bureau of Employment Programs
AGENCY: Workers' Compensation Division TITLE NUMBER: 85
RULE TYPE: Exempt Legislative; CITE AUTHORITY W.Va. Code §§21A-2-6(1);
21A-2-6(2); 21A-2-6(14);
AMENDMENT TO AN EXISTING RULE: YES X NO 21A-2-19; 21A-3-7(b);
21A-3-7(c); 23-1-1; 23-1-13;
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 5 and 23-1-14
TITLE OF RULE BEING AMENDED: Hearing and Review Process Regarding the
Performance of Self-Insured Employers
IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:
TITLE OF RULE BEING PROPOSED:

DATE OF PUBLIC HEARING: Tuesday, February 25, 1997 TIME: 10:00 AM
LOCATION OF PUBLIC HEARING: Room 202-203
Charleston Civic Center
Charleston, WV 25301

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH X

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: John H. Kozak
Written Comments Through March 15, 1997 Director, Legal Services Div.
Post Office Box 3922
Charleston, WV 25339-3922

The Department requests that persons wishing to make
comments at the hearing make an effort to submit written
comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Andrew M. Richardson
Authorized Signature

Bureau of Employment Programs
112 California Avenue
Charleston, West Virginia 25305-0112

Cecil H. Underwood, Governor
Andrew N. Richardson, Commissioner
of Employment Programs



February 3, 1997

The Honorable Ken Hechler
Secretary of State
Capitol Building
Charleston, WV 25305

Dear Secretary Hechler:

Re: Proposed Exempt Legislative Rule
Title 85, Series 5, Hearing and Review Process Regarding the Performance of
Self-Insured Employers

Please consider this letter to be my written approval for the filing of the above noted
proposed exempt legislative rule.

Pursuant to Enrolled Committee Substitute for House Bill 4030, Regular Session, 1994, the
Department of Commerce, Labor and Environmental Resources was abolished. Pursuant to that
same bill, the Commissioner of the Bureau of Employment Programs is empowered to promulgate
rules without the further consent or approval of a departmental secretary.

With much appreciation for your assistance in this matter, I remain

Very truly yours,

Andrew N. Richardson
Andrew N. Richardson
Commissioner

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TITLE 85
EXEMPT LEGISLATIVE RULE
WORKERS' COMPENSATION COMMISSIONER

SERIES 5
HEARING AND REVIEW PROCESS REGARDING
THE PERFORMANCE OF SELF-INSURED
EMPLOYERS

BRIEF SUMMARY

This is an amendment to an existing rule. The rule itself address the mechanisms by which claimants for workers' compensation benefits may file complaints regarding the direct payment of benefits by self-insured employers. Once filed, the complaints are to be handled by the means set forth in the rules.

The amendments to the rule require that hearings on contested issues be before a hearing examiner to be appointed by the Division. In addition, the proposed exempt legislative rule.

Pursuant to Enrolled Committee Substitute for House Bill 4030, Regular Session, 1994, the Department of Commerce, Labor and Environmental Resources was abolished. Pursuant to the same bill, the Commissioner of the Bureau of Employment Programs is empowered to promulgate rules without the further consent or approval of a departmental secretary.

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Commissioner

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COMMISSIONER
BUREAU OF EMPLOYMENT PROGRAMS