

STATE OF CALIFORNIA  
**DEPARTMENT OF INSURANCE**  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814

**PROPOSED DECISION**

**SEPTEMBER 1, 2021 WORKERS' COMPENSATION INSURANCE  
CLASSIFICATION AND RATING RULES**

**FILE NUMBER REG-2021-00001**

**In the Matter of:** Proposed adoption or amendment of the Insurance Commissioner's regulations pertaining to the California Workers' Compensation Uniform Statistical Reporting Plan–1995, Miscellaneous Regulations for the Recording and Reporting of Data–1995, and the California Workers' Compensation Experience Rating Plan–1995. These regulations will be effective on September 1, 2021, except for the changes to the California Workers' Compensation Uniform Statistical Reporting Plan–1995 that will be effective on September 1, 2022.

**SUMMARY OF PROCEEDINGS**

The California Department of Insurance ("Department") held a telephonic public hearing in the above-captioned matter on April 8, 2021, at the time set forth in the Notice of Proposed Action and Notice of Public Hearing, File Number REG-2021-00001, dated March 3, 2021. A copy of the Notice is included in the record. The record closed on April 8, 2021.

The Department distributed copies of the Notices to persons and entities referenced in the record. The Notices included a summary of the proposed changes and instructions for interested persons who wanted to view a copy of the information submitted to the Insurance Commissioner in connection with the proposed changes. The Workers' Compensation Insurance Rating Bureau ("WCIRB") submitted a filing letter and related documents on February 26, 2021, which was available for inspection by the public at the Oakland office of the Department and were available online at the WCIRB's website, [www.wcirb.com](http://www.wcirb.com).

The WCIRB's filing proposes amendments to the California Workers' Compensation Uniform Statistical Reporting Plan–1995, Miscellaneous Regulations for the Recording and Reporting of Data–1995, and California Workers' Compensation Experience Rating Plan–1995.

The Department accepted testimony and written comments at a telephonic hearing on April 8, 2021. The Hearing Officer announced that the record would remain open until 5:00 p.m. on April 8, 2021, to enable interested persons to submit additional written comments. The matter having been duly heard and considered, the Department now presents its review, analysis, and Proposed Decision and Order.

**REVIEW OF PROPOSED CHANGES TO THE WORKERS' COMPENSATION  
UNIFORM STATISTICAL REPORTING PLAN-1995, THE MISCELLANEOUS  
REGULATIONS FOR THE RECORDING AND REPORTING OF DATA-1995  
AND THE CALIFORNIA WORKERS' COMPENSATION EXPERIENCE RATING  
PLAN-1995**

**Amendments to the California Workers' Compensation Uniform Statistical Reporting Plan-1995 (USRP), effective September 1, 2021**

The WCIRB proposed amendments to the USRP to be effective on September 1, 2021 and applied to policies with an effective date on or after September 1, 2021. The proposed amendments are contained in the WCIRB's filing and are summarized in the Notice of Proposed Action.

The Department reviewed the WCIRB's proposed amendments to the USRP and received no objections to those proposed amendments. The proposed amendments are reasonable and consistent with the purpose of the USRP. This proposed decision recommends, therefore, that the amendments be approved.

**Amendments to the California Workers' Compensation Uniform Statistical Reporting Plan-1995 (USRP), effective September 1, 2022**

The WCIRB proposed amendments to the USRP to be effective on September 1, 2022 and applied to policies with an effective date on or after September 1, 2022. The proposed amendments are contained in the WCIRB's filing and are summarized in the Notice of Proposed Action.

The Department reviewed the WCIRB's proposed amendments to the USRP and received no objections to those proposed amendments. The proposed amendments are reasonable and consistent with the purpose of the USRP. This proposed decision recommends, therefore, that the amendments be approved.

**Amendments to the Miscellaneous Regulations for the Recording and Reporting of Data-1995**

The WCIRB proposed amendments to the Miscellaneous Regulations for the Recording and Reporting of Data-1995 to be effective on September 1, 2021, and applied to a policy with an effective date on or after September 1, 2021. The

proposed amendments are contained in the WCIRB's filing and are summarized in the Notice of Proposed Action.

The Department reviewed the WCIRB's proposed amendments and received no objections to the proposed amendments. The proposed amendments are reasonable and consistent with the purpose of these Miscellaneous Regulations for the Recording and Reporting of Data–1995. This proposed decision recommends, therefore, that the amendments be approved.

**Amendments to the California Workers' Compensation Experience Rating Plan–1995 (ERP)**

The WCIRB proposed amendments to the ERP to be effective on September 1, 2021 and applied as of the rating effective date of a risk on or after September 1, 2021. The proposed amendments are contained in the WCIRB's filing and are summarized in the Notice of Proposed Action.

The Department reviewed the WCIRB's proposed amendments and received no objections to the proposed amendments. The proposed amendments are reasonable and consistent with the purpose of the ERP. This proposed decision recommends, therefore, that the amendments be approved.

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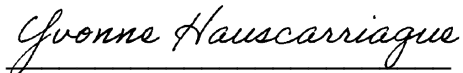
**PROPOSED ORDER**

IT IS ORDERED, by virtue of the authority vested in the Insurance Commissioner of the State of California by California Insurance Code sections 11734, 11750(a), 11750.3, 11751.5, and 11751.8 that the proposed revisions to the California Workers' Compensation Uniform Statistical Reporting Plan–1995, the Miscellaneous Regulations for the Recording and Reporting of Data–1995 and the California Workers' Compensation Experience Rating Plan–1995 filed by the WCIRB and Sections 2318.6, 2353.1 and 2354 of Title 10 of the California Code of Regulations are hereby amended and modified in the respects specified above; and

IT IS FURTHER ORDERED that these regulations shall be effective September 1, 2021, except for those changes to the California Workers' Compensation Uniform Statistical Reporting Plan–1995 that will be effective on September 1, 2022.

I HEREBY CERTIFY that the foregoing constitutes my Proposed Decision and Proposed Order in the above entitled matter as a result of my review of the record and the comments received and I hereby recommend its adoption as the Decision and Order of the Insurance Commissioner of the State of California.

May 6, 2021



Yvonne Hauscarriague  
Attorney IV

**STATE OF CALIFORNIA  
DEPARTMENT OF INSURANCE**

In the Matter of: Proposed adoption or amendment of the Insurance Commissioner's regulations pertaining to the California Workers' Compensation Uniform Statistical Reporting Plan-1995, Miscellaneous Regulations for the Recording and Reporting of Data-1995, and the California Workers' Compensation Experience Rating Plan-1995. These regulations will be effective on September 1, 2021, except for those provisions that will be effective on September 1, 2022.

**FILE NUMBER REG-2021-00001**

**DECISION AND ORDER**

I hereby adopt the Proposed Decision and Proposed Order of Yvonne Hauscarrigue, dated May 6, 2021, in the above-entitled matter as my Decision.

WHEREFORE, IT IS ORDERED that the WCIRB amend the California Workers' Compensation Uniform Statistical Reporting Plan-1995, Miscellaneous Regulations for the Recording and Reporting of Data-1995, and the California Workers' Compensation Experience Rating Plan-1995 as set forth in the Proposed Decision.

IT IS SO ORDERED THIS 6<sup>th</sup> DAY OF MAY, 2021.

A handwritten signature in black ink, appearing to read 'Ricardo Lara', is written over a horizontal line. The signature is stylized and cursive.

RICARDO LARA  
Insurance Commissioner