

BEFORE THE CLASSIFICATION REVIEW COMMITTEE

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 6.6.8001 Classification Review	)	AMENDMENT
Committee Agency Organization,	)	
6.6.8202 administrative appeal of a	)	NO PUBLIC HEARING
classification decision, 6.6.8206	)	CONTEMPLATED
telephone and electronic hearings,	)	
and 6.6.8301 establishment, deletion,	)	
or revision of classifications for	)	
various industries for supplementing	)	
the NCCI Basic Manual for Workers'	)	
Compensation and Employers	)	
Liability	)	

TO: All Concerned Persons

1. On January 1, 2024, the Classification Review Committee proposes to amend the above-stated rules.

2. The Classification Review Committee will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Classification Review Committee no later than 5:00 p.m., Mountain Standard Time, August 30, 2023, to advise us of the nature of the accommodation that you need. Please contact Michael Craddock, Regulatory Disputes Consultant, NCCI, c/o Regulatory Operations Department, 901 Peninsula Corporate Circle, Boca Raton, Florida 33487-1362; telephone (561) 893-3820; fax (561) 893-5365; or e-mail MichaelCraddock@NCCI.com.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

6.6.8001 AGENCY ORGANIZATION (1) and (2) remain the same.

(3) Inquiries and submissions. Unless otherwise provided in these rules or by special notice, all inquiries and submissions to the classification review committee should be made to the Montana Classification Review Committee in care of the National Council on Compensation Insurance, ~~7220 West Jefferson Avenue, Suite 310, Lakewood, Colorado 80235; telephone (303) 695-8888, ext. 25; fax (303) 755-6498~~ 901 Peninsula Corporate Circle, Boca Raton, FL 33487-1362; Telephone: 561-893-3820; Email: DisputeResolution@ncci.com; Fax: 561-893-5043.

AUTH: 33-16-1012, MCA

IMP: 2-4-201, 33-16-1011, 33-16-1012, MCA

REASON: This proposed rule change updates the current contact information for the National Council on Compensation Insurance.

6.6.8202 ADMINISTRATIVE APPEAL OF CLASSIFICATION DECISION

(1) An employer may appeal a classification decision by filing a notice of administrative appeal. The notice of administrative appeal must contain a short statement of the reasons for the appeal and a statement of the general nature of the relief sought. An employer must request an in-person hearing simultaneously with the filing of the notice of administrative appeal. If a request for an in-person hearing is not made when the notice of administrative appeal is filed, the committee may hold a hearing pursuant to ARM 6.6.8206 in lieu of an in-person hearing.

(2) through (4) remain the same.

AUTH: 33-16-1012, MCA

IMP 2-4-201, 33-16-1011, 33-16-1012, MCA

REASON: This proposed rule change requires an in-person hearing be requested by the employer at the time of filing the Notice of Administrative Appeal, while giving the Classification and Review Committee the ability to hold an in-person hearing on its own initiative, or, if a timely in-person hearing is not requested, to hold a remote hearing. This change promotes efficiency and the ability of the committee to schedule and staff appeals hearings.

6.6.8206 TELEPHONE AUDIO, VIDEO, OR OTHER TELECOMMUNICATIONS TECHNOLOGY HEARINGS (1) A hearing may be held by ~~telephone conference call~~ audio, video, or other telecommunications technology or media if a request for an in-person hearing is not filed with the notice of administrative appeal.

~~(2) An in-person hearing shall be scheduled in Helena if a party makes a written request for such a hearing at least 5 days before a scheduled telephone conference call.~~

AUTH: 33-16-1012, MCA

IMP: 2-3-202, 2-4-201, 33-16-1012, MCA

REASON: This proposed rule change recognizes changes in digital technology.

6.6.8301 ESTABLISHMENT OF CLASSIFICATION FOR COMPENSATION PLAN NO. 2 AND PLAN NO. 3 (1) and (2) remain the same.

AUTH: 33-16-1012, MCA

IMP: 2-4-103, 33-1-115, 33-16-1012, MCA

REASON: In 2021, Item B-1444—NCCI's Basic Manual for Workers Compensation and Employers Liability Insurance introduced a new edition of NCCI's Basic Manual. Since the implementation of Item B-1444, NCCI has received valuable stakeholder feedback. Based on this feedback, NCCI is recommending additional improvements. This filing does not make any substantive changes to any

rule or classification that would result in premium impact. Item B – 1446 will provide general updates to the manual's content.

Based on additional stakeholder feedback and routine reviews of the content, it is necessary to:

- Clarify certain phraseologies
- Update format and structure of certain classifications
- Update classification content for grammatical issues

The Basic Manual for Workers' Compensation and Employers Liability (Basic Manual) incorporated by reference in this rule is supplemented by classification codes that are established, deleted, or revised in accordance with (2) of the rule and 33-16-1023(3), MCA.

NCCI has eliminated the department name Regulatory Assurance Department.

The Classification Review Committee approved proceeding to rulemaking to amend ARM 6.6.8001, 6.6.8202, and 6.6.8206, updating contact information and the appeals process, and to approve rulemaking for Item Filing B-1446 to clarify certain phraseologies, update format and structure of certain classifications, and update classification content for grammatical issues.

All changes are to be effective January 1, 2024.

For additional details on the filing see the Montana Workers Compensation Classification Review (CR) Committee Executive Summary and CR Committee materials at: <https://csimt.gov/legal-investigations/public-notices/>.

4. Concerned persons may submit their data, views, or arguments either orally or in writing to the CR Committee attention of: Michael Craddock, Regulatory Disputes Consultant, NCCI, c/o Regulatory Operations Department, 901 Peninsula Corporate Circle, Boca Raton, Florida 33487-1362; telephone (561) 893-3820; fax (561) 893-5365; or e-mail [MichaelCraddock@NCCI.com](mailto:MichaelCraddock@NCCI.com), and must be received no later than 5:00 p.m., Mountain Standard Time, September 1, 2023.

5. If persons who are directly affected by the proposed action[s] wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Michael Craddock at the above address no later than 5:00 p.m., Mountain Standard Time, September 1, 2023.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held

at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 5 persons based on the number of persons currently on the interested persons list.

7. The Classification Review Committee maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this committee. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in paragraph 4 or may be made by completing a request form at any rules hearing held by the committee.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sosmt.gov/ARM/Register>.

9. The bill sponsor contact requirements of 2-4-302, MCA do not apply.

10. With regard to the requirements of 2-4-111, MCA, the Classification Review Committee has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Mark Mattioli  
Mark Mattioli  
Rule Reviewer

/s/ Greg Rodifer  
Greg Rodifer  
Committee Chair

Certified to the Secretary of State July 25, 2023.