

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

**NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING**

**July 1, 2018 Workers' Compensation Claims Cost Benchmark  
and Advisory Pure Premium Rates**

**File No. REG-2018-00006**

**Notice Date: April 10, 2018**

Approval of the Workers' Compensation Claims Cost Benchmark and Advisory Pure Premium Rates to be effective July 1, 2018.

**NOTICE AND SUBJECT OF PUBLIC HEARING**

Notice is hereby given that the Insurance Commissioner will hold a public hearing in response to a filing, submitted on April 9, 2018, by the Workers' Compensation Insurance Rating Bureau of California ("WCIRB") to consider approval of the Workers' Compensation Claims Cost Benchmark and advisory pure premium rates developed by the WCIRB as a rating organization on behalf of its member insurers.

**HEARING DATE AND LOCATION**

A public hearing will be conducted to permit all interested persons the opportunity to present statements or arguments, verbally or in writing, with respect to the matters proposed in the WCIRB's filing, at the following date, time and place:

**May 2, 2018 – 10:00 AM  
California Department of Insurance  
45 Fremont Street, 22nd Floor - Hearing Room  
San Francisco, California 94105**

**AUTHORITY AND REFERENCE**

**Workers' Compensation Claims Cost Benchmark and Pure Premium Rates**

Pursuant to Insurance Code Section 11750.3, a rating organization is permitted to develop pure premium rates for each employee classification on behalf of its member insurers for submission to the Insurance Commissioner for issuance or approval. In addition to the proposed changes to the individual classification pure premium rates, the WCIRB submits an average pure premium rate for all employer classifications that is intended to measure the overall costs in the California worker's compensation system, which is designated as the Workers' Compensation Claims Cost Benchmark.

The Insurance Code provisions regarding workers' compensation insurance rate supervision state that the pure premium rates issued or approved by the Insurance Commissioner are advisory only, and the Insurance Commissioner is not authorized to require insurers to use the pure premium rates issued or approved by the Insurance Commissioner. These pure premium rates are an estimate of future workers' compensation claims costs. However, all insurers must submit their rates for review to the Insurance Commissioner prior to their use, and an insurer's filed workers' compensation rates are public information.

## **INFORMATIVE DIGEST**

Pursuant to Insurance Code Sections 11750 and 11750.3, the WCIRB has developed and submitted for the Insurance Commissioner's approval pure premium rates for use by its member insurers. The pure premium rates are advisory only, and insurers may use any set of pure premium rates that are identified in the insurer's rate filing.

The pure premium rates recommended by the WCIRB to be effective July 1, 2018, are detailed in the WCIRB's filing and summarized below.

## **APPROVAL OF PURE PREMIUM RATES**

Pursuant to California Insurance Code Section 11750.3, the WCIRB has proposed advisory pure premium rates for approval by the Insurance Commissioner to be effective July 1, 2018 with respect to new and renewal policies as of the first anniversary rating date of a risk on or after July 1, 2018. The WCIRB has compared the proposed 2018 pure premium rates to the industry average filed pure premium rates as directed by the Insurance Commissioner. The average indicated July 1, 2018 advisory pure premium rate reflecting the June 30, 2017 experience is \$1.80 per \$100 of payroll, which is approximately 19% lower than the average January 1, 2018 industry filed pure premium rate of \$2.22 per \$100 of payroll. This indication reflects the WCIRB's actuarial estimate of the costs to be incurred against policies issued on or after July 1, 2018.

## **PROCEEDINGS NOT SUBJECT TO ADMINISTRATIVE PROCEDURE ACT**

The Workers' Compensation Claims Cost Benchmark and Advisory Pure Premium Rates approved by the Commissioner pertain to the establishment of workers' compensation insurance rates. Subdivision (g) of section 11340.9 of the Government Code states that the Administrative Procedure Act [Chapter 3.5] shall not apply to regulations that establish or fix rates, prices, or tariffs, and the Office of Administrative Law has determined that these proceedings are excluded from the requirements of the Administrative Procedure Act.

The public hearing in this matter is required pursuant to subdivision (b) of section 11750 of the Insurance Code. Upon conclusion of the public hearing, the Commissioner shall issue a final Order approving, disapproving, or modifying the rate proposed by the WCIRB.

## **ACCESS TO HEARING ROOMS**

The facility to be used for the public hearing is accessible to persons with mobility impairment. Persons with sight or hearing impairments are requested to notify the contact person for these hearings (listed below) in order to make special arrangements, if necessary.

## **PRESENTATION OF ORAL AND/OR WRITTEN COMMENTS**

All persons are invited to submit written comments to the Insurance Commissioner prior to the public hearing on the proposed amendments contained in the WCIRB's filing. Such comments should be addressed to the following:

California Department of Insurance  
Attn: Patricia Hein  
Attorney IV  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
(415) 538-4430  
(415) 904-5490 (FAX)  
[patricia.hein@insurance.ca.gov](mailto:patricia.hein@insurance.ca.gov)

Any interested person may present oral and/or written testimony at the scheduled public hearing. Written comments and verbal testimony will be given equal weight in the Insurance Commissioner's deliberations.

## **DEADLINE FOR WRITTEN COMMENTS**

All written material, unless submitted at the hearing, must be received at the address, FAX number, or email address listed above no later than 5:00 PM on May 2, 2018. Additional time to submit written material may be allowed at the time of hearing, or may be granted on or before May 2, 2018, upon a showing of good cause.

## **ACCESS TO FILE**

Any interested person may inspect, or request copies at the statutory cost of duplication, of the public portions of the Workers' Compensation Claims Cost Benchmark and Pure Premium Rates file and the WCIRB's filing by making a request to the contact person listed above. The file will be available for inspection at 45 Fremont Street, 21<sup>st</sup> Floor, San Francisco, California, 94105, between the hours of 8:00 AM and 5:00 PM, Monday through Friday.

## **AUTOMATIC MAILING**

A copy of this Notice, including the informative digest that contains the general substance of the proposed regulations, automatically will be sent to all persons on the Insurance Commissioner's Bulletins and Rulings, and California Government Code mailing lists.

**ADOPTION AND NOTICE OF WORKERS' COMPENSATION CLAIMS COST  
BENCHMARK AND PURE PREMIUM RATES**

Following the hearing, the Insurance Commissioner shall approve, disapprove, or modify the proposed rate. Notice of the Insurance Commissioner's action will be sent to all persons on the Insurance Commissioner's Bulletins and Rulings mailing list, the California Government Code mailing lists, and to those persons who have otherwise requested notice of the Commissioner's action.