



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor & Industries

Preproposal Statement of Inquiry was filed as 11-12-071 ; or

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

Proposal is exempt under RCW 34.05.310(4).

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Title of rule and other identifying information: Chapter 296-20 WAC, Medical Aid Rules

Substitute Senate Bill 5801 (Chapter 6, Laws of 2011) establishes a state-wide medical provider network and defines patterns of care that may remove a provider from the network. SSB 5801 directs the Department of Labor & Industries (L&I) to establish a medical provider network to treat injured workers of employers ensured with L&I and with self-insured employers and to expand Centers for Occupational Health and Education (COHEs). Rules are necessary to implement the changes. The department will create and/or amend necessary rules in phases. This initial set of rules includes establishing minimum standards for credentials of medical providers and other requirements for network participation and to define "risk of harm."

Hearing location(s):

December 8, 2011 (Starting at 10:00 AM)
The Conference Center, Port of Seattle
SeaTac Airport
17801 International Blvd, Room 6012M
Seattle, WA 98158

December 12, 2011 (Starting at 5:30 PM)
Department of Labor & industries Headquarters
Room S118
7273 Linderson Way SW
Tumwater, WA 98501

December 16, 2011 (Starting at 10:00 AM)
Center Place Event Center
2426 N. Discovery Place
Spokane Valley, WA 99216

Submit written comments to Jami Lifka at

Address:

Department of Labor and Industries
Office of the Medical Director
PO Box 44321
Olympia, WA 98504-4321 OR

Department of Labor & Industries
7273 Linderson Way SW
Tumwater, WA 98501 OR

e-mail jami.lifka@lni.wa.gov OR

fax (360) 902-6315

Received no later than 5:00 PM December 16, 2011.

Date of intended adoption: January 3, 2012

(Note: This is **NOT** the **effective** date)

Assistance for persons with disabilities: Contact

Office of Information and Assistance by December 1, 2011

TTY (360) 902-5797

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The department will create necessary rules in phases. This initial set of rules include:

- (1) Establishing minimum standards for credentials of medical providers and other requirements for network participation.
- (2) Clarifying what constitutes patterns of risk of physical or psychiatric harm or death that determines when the department may remove a provider from the network. Under the new statute, workers of state fund and self-insured employers must obtain health services through the medical provider network, except for the initial medical visit.

Reasons supporting proposal:

SSB 5801 is expected to enable the department to set credentialing standards for medical providers, while still allowing injured workers to choose their provider. The changes will help return more workers to good health and get them back on the job after an injury, reducing costs for employers and workers.

Statutory authority for adoption: SSB 5801 (Chapter 6, Laws of 2011), RCW 51.36.010, RCW 51.04.020 and RCW 51.04.030

Statute being implemented:

SSB 5801 (Chapter 6, Laws of 2011) – RCW 51.36.010

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:

DATE

November 1, 2011

NAME (type or print)

Judy Schurke

SIGNATURE

Title

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 01, 2011

TIME: 10:00 AM

WSR 11-22-078

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

SSB 5801 (Chapter 6, Laws of 2011, Section 1(10)) directs the department to adopt rules to implement this new statute.

This new law and associated agency rules are expected to enable the department to set standards for medical providers, while still allowing injured workers to choose their provider.

Name of proponent: Governor Gregoire, 2011 legislators, the Governor's interim workgroup made up of representatives of state fund and self-insured businesses and workers, Department of Labor and Industries

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting.....Leah Hole-Curry	Medical Administrator, Office of the Medical Director	(360) 902-4996
Implementation.....Janet Peterson	Program Manager for Health Services Analysis	(360) 902-6699
Enforcement.....Beth Dupre	Assistant Director for Insurance Services	(360) 902-4209

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

The department did not prepare a small business economic impact statement because it determined that the proposed rules will not have a disproportionate impact on small businesses.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Leah Hole-Curry

Address:

Department of Labor and Industries

PO Box 44321

Olympia, WA 98504-4321

phone (360) 902-4996

fax (360)902-6315

e-mail leah.hole-curry@LNI.wa.gov

No: Please explain: