



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
**(Implements RCW 34.05.360)**

**Agency:** Department of Labor & Industries (L&I)

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

Substitute Senate Bill 5801 (SSB 5801, Chapter 6, Laws of 2011) amends RCW 51.36.010 and directs the Department of Labor and Industries to establish a statewide medical provider network and expand Centers of Occupational Health Education (COHEs). Rules are necessary to implement the changes. This initial set of rules includes establishing minimum standards for the credentialing of medical providers and other requirements for network participation, and defines "risk of harm" to injured workers.

**Purpose:**

The Department will create necessary rules in phases. This initial set of rules includes:

- (1) Establishing minimum standards for the credentialing of medical providers and other requirements for network participation; and
- (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 enables 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, while reducing costs for employers, workers, and the state.

**Citation of existing rules affected by this order:**

Repealed:

Amended:

Suspended:

**Statutory authority for adoption:** RCW 51.36.010, RCW 51.04.020, and RCW 51.04.030

**Other authority :**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 11-22-078 on November 1, 2011.

Describe any changes other than editing from proposed to adopted version:

- No substantive changes were made.
- Some language was added, deleted, or amended to respond to questions we received during the comment period. These changes did not modify the intent of the amended section. They simply clarified language that was unclear. **See attachment.**

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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**Date adopted:** January 3, 2012

**NAME (TYPE OR PRINT)**

Judy Schurke

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: January 03, 2012**

**TIME: 11:15 AM**

**WSR 12-02-058**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	<u>10</u>	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	<u>10</u>	Amended	_____	Repealed	_____

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**Changes from proposed to adopted version**

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The purpose of this rulemaking is to establish a new statewide medical provider network. The Department is adopting the proposed medical provider network rules, with clarifying changes as specified below.

WAC 296-20-01010 Scope of Health Care Provider Network

The Department made six clarifying changes to this section: five minor wording changes to ensure consistency in terms throughout the rule, and one to clarify the exception for emergency room providers.

WAC 296-20-01020 Health Care Provider Network Enrollment

The Department made four clarifying changes to this section: one editorial correction, one correction to clarify the Department's response time, and two changes to clarify application to both the Department and self-insurers.

WAC 296-20-01030 Minimum Health Care Provider Network Standards

The Department made seven clarifying changes to this section: two changes to make terms consistent, one editorial correction, two corrections to clarify the Department's intent to provide opportunity for comment, and two changes to clarify that termination is based on cause.

WAC 296-20-01040 Health Care Provider Network Continuing Requirements

The Department made two clarifying changes to this section: one editorial correction, and one correction to ensure consistency with the statute about applicability of treatment guidelines

WAC 296-20-01050 Health Care Provider Network Further Review and Denial

The Department made 11 clarifying changes to this section: two editorial corrections, six corrections to ensure consistency with either other rule or statutory language, one clarification to simplify the text, and two clarifications based on public comment about confusion on Department intent.

WAC 296-20-01060 Delegation of Credentialing and Recredentialing Activities

The Department made one clarifying change based on public comment about confusion of Department intent to emphasize that the authority to approve remains with the Department.

WAC 296-20-01070 Waiting Periods for Reapplying to the Network

The Department made one clarifying change based on public comment to clarify that the ineligibility period does not apply to terminations for convenience.

WAC 296-20-01080 Management of the Provider Network

The Department made eight clarifying changes to this section: seven corrections to ensure consistency with either other rule or statutory language, and one editorial correction based on public comment.

WAC 296-20-01090 Request for Reconsideration of Department Decision

The Department made one clarifying change to indicate that the health care provider network decisions are subject to appeal under RCW 51.52.

WAC 296-20-01100 Risk of Harm

The Department made no changes to this section.