



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor & Industries

- Preproposal Statement of Inquiry was filed as WSR 12-14-095 ; or**
 Expedited Rule Making--Proposed notice was filed as WSR _____ ; or
 Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice**
 Supplemental Notice to WSR _____
 Continuance of WSR _____

Title of rule and other identifying information: Amending Chapter 296-20 WAC, Medical aid rules.

Substitute Senate Bill (SSB) 5801 (Chapter 6, Laws of 2011) amends RCW 51.36.010. SSB 5801 directs the Department of Labor & Industries (L&I) to establish a health care provider network to treat injured workers of employers insured with L&I and of self-insured employers and to expand the Centers for Occupational Health and Education (COHEs). Rules are necessary to implement the changes required in SSB 5801. This third rulemaking phase is proposed to ensure that existing department rules do not conflict or create confusion with the network implementation.

Hearing location(s):
Department of Labor & Industries Tumwater Building
Room S117
7273 Linderson Way SW
Tumwater, WA 98501

Date: September 28, 2012 Time: 3 p.m.

Submit written comments to:

Name: Jami Lifka
Address: Department of Labor & Industries,
Office of the Medical Director,
P.O. Box 44321, Olympia, WA 98501 OR
e-mail Jami.Lifka@Lni.wa.gov OR
fax (360) 902-6315 and
Received no later than 5 p.m. September 28, 2012

Assistance for persons with disabilities: Contact

Office of Information and Assistance by September 1, 2012

TTY (360) 902-5797 or (360) 902-4941

Date of intended adoption: November 13, 2012
(Note: This is **NOT** the **effective** date)

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

- This is the third rulemaking phase being proposed to successfully establish and implement the intent of SSB 5801.
- (1) The first rulemaking phase adopted minimum standards for credentials of health care providers in the statewide health care provider network and to clarify what constitutes patterns of risk of harm or death that determines L&I may remove a provider from the network or take other appropriate action.
 - (2) The second rulemaking process amended existing rules to allow injured and ill workers to see a provider of their choice for the initial visit and to inform health care providers and workers when care must be transferred to a network provider.
 - (3) This third rulemaking is necessary to address existing department rules that may conflict with the network implementation. Changes to the following WACs are proposed for consistency or clarification: *WAC 296-20-01010, WAC 296-20-01020, WAC 296-20-02705, and WAC 296-20-03015.*

Reasons supporting proposal: This third rulemaking is necessary so that health care providers, State Fund, employers, and injured and ill workers have a clear understanding of this new health care provider network and their rights and requirements under SSB 5801.

Statutory authority for adoption: SSB 5801 (as it amends RCW 51.36.010), RCW 51.04.020, and RCW 51.04.030

Statute being implemented: RCW 51.36.010

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

DATE
August 21, 2012

NAME (type or print)
Judy Schurke

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 21, 2012
TIME: 9:35 AM

WSR 12-17-121

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

Name of proponent: (person or organization) 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..... Leah Hole-Curry	Medical Administrator, Office of the Medical Director	(360) 902-4996
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 or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal 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 & 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: