



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Labor and Industries

- Preproposal Statement of Inquiry was filed as WSR 17-01-121; 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:** (Describe Subject)

Medical Aid Rules – Conversion Factors and Maximum Daily Fees: WAC 296-20-135, WAC 296-23-220, WAC 296-23-230

**Hearing location(s):**

Department of Labor & Industries, Room S117  
7273 Linderson Way SW  
Tumwater, WA 98501

Date: March 29, 2017 Time: 9:00 AM

**Submit written comments to:**

Name: Emily Stinson  
Address: PO Box 44322  
Olympia, WA 98504-4322  
e-mail [Emily.Stinson@LNI.wa.gov](mailto:Emily.Stinson@LNI.wa.gov)  
fax (360) 902-4249 by (date) 5 p.m. on March 29, 2017

**Assistance for persons with disabilities:** Contact

Emily Stinson by March 22, 2017

TTY (360) 902-6687 or fax (360) 902-4249

**Date of intended adoption:** May 2, 2017

(Note: This is NOT the effective date)

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

- 1) Changing the conversion factor used to calculate payment levels for services payable through the Resource Based Relative Value Scale (RBRVS) fee schedule; 2) Changing the conversion factor used to calculate payment for anesthesia services; and 3) Increasing the maximum daily payment for physical and occupational therapy.

WAC 296-20-135(3): Increase the RBRVS conversion factor from \$61.52 to \$63.25. Increase the anesthesia conversion factor from \$3.41 to \$3.44.

WAC 296-23-220 and WAC 296-23-230: Increase the maximum daily rate for physical and occupational therapy services from \$125.68 to \$126.94.

**Reasons supporting proposal:** This rule will provide medical aid updates regarding rate setting for most professional health care services for injured workers.

**Statutory authority for adoption:**

RCWs 51.04.020 (1) and 51.04.030

**Statute being implemented:**

RCW 51.36.080

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:  Yes  No

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: February 14, 2017

TIME: 10:39 AM

WSR 17-05-086

**DATE**

February 14, 2017

**NAME** (type or print)

Joel Sacks

**SIGNATURE**

**TITLE**

Director

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

- 1) Increasing the conversion factor used to calculate maximum payment for RBRVS and anesthesia services; and
- 2) Increasing the maximum daily payment for physical and occupational therapy services.

**Name of proponent:** (person or organization)

Department of Labor and Industries

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

|                | Name                               | Office Location |                |
|----------------|------------------------------------|-----------------|----------------|
| Drafting       | Emily Stinson                      | Tumwater, WA    | (360) 902-5974 |
| Implementation | Vickie Kennedy, Assistant Director | Tumwater, WA    | (360) 902-4997 |
| Enforcement    | Vickie Kennedy, Assistant Director | Tumwater, WA    | (360) 902-4997 |

**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.

This rule adoption is exempt under RCW 34.05.328 (5) (b) (vi) and RCW 19.85.025 (3).

**Is a cost-benefit analysis required under RCW 34.05.328?**

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

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

- No: Please explain:

RCW 34.05.328 does not apply because the content of this rule is explicitly dictated by statute and fits within the exceptions listed in RCW 34.05.328 (5) (b) (vi).