



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: February 06, 2018

TIME: 10:51 AM

WSR 18-04-098

Agency: Department of Labor and Industries

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 18-01-115 ; 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); or

Proposal is exempt under RCW _____.

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):

Date:	Time:	Location: (be specific)	Comment:
03/28/2018	9:00 AM	Department of Labor and Industries, Room S117 7273 Linderson Way SW Tumwater, WA 98501	None

Date of intended adoption: 05/01/2018 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Emily Stinson

Address: PO BOX 44322
Olympia, WA 98504-4322

Email: Emily.Stinson@LNI.wa.gov

Fax: (360) 902-4249

Other:

By (date) 03/28/2018

Assistance for persons with disabilities:

Contact Emily Stinson

Phone: (360) 902-5974

Fax: (360) 902-4249

TTY:

Email: Emily.Stinson@LNI.wa.gov

Other:

By (date) 03/21/2018

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 \$63.25 to \$64.74. Increase the anesthesia conversion factor from \$3.44 to \$3.47.

WAC 296-23-220 and WAC 296-23-230: Increase the maximum daily rate for physical and occupational therapy services from \$126.94 to \$127.70.

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:

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

Name of proponent: (person or organization) Department of Labor and Industries Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Emily Stinson	Tumwater	(360) 902-5974
Implementation:	Vickie Kennedy	Tumwater	(360) 902-4997
Enforcement:	Vickie Kennedy	Tumwater	(360) 902-4997

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

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:

TTY:
Email:
Other:

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).

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW .

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: 02/06/2018

Name: Joel Sacks

Title: Director

Signature:

