



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: June 20, 2023

TIME: 10:25 AM

WSR 23-13-096

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

Subject of possible rule making: Independent Medical Examinations (IME) – Notification Process – Accompanying Person under chapter 296-23 WAC, Radiology, Radiation Therapy, Nuclear Medicine, Pathology, Hospital, Chiropractic, Physical Therapy, Drugless Therapeutics and Nursing – Drugless Therapeutics, etc.; and chapter 296-15 WAC, Workers' Compensation Self-Insurance Rules and Regulations.

Statutes authorizing the agency to adopt rules on this subject: RCW 51.04.020, 51.04.030, and 51.36.070

Reasons why rules on this subject may be needed and what they might accomplish: Substitute House Bill 1068 (SHB 1068), from the 2023 legislative session, allows a worker to audio and visually record an independent medical examination, and included an observer may be present for all examinations with the worker. The updated statute, RCW 51.36.070, requires the department create rules defining the notification process the worker must follow when they want to record an independent medical examination. One existing rule, WAC 296-23-362, states an observer may not attend a psychiatric examination. This rule needs to be updated as the amended statute includes an observer may be present for all examinations.

A separate rulemaking was initiated on June 6, 2023 under WSR 23-12-072 to address the repeal of the requirement under WAC 296-23-367 that prohibits workers from videotape or audio tape of independent medical examination by the worker.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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(If necessary)

Name:

Address:

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Other:

Additional comments:

Date: June 20, 2023	Signature: 
Name: Joel Sacks	
Title: Director	