

1 **DEPARTMENT OF LABOR AND INDUSTRIES**
2 **INDUSTRIAL INSURANCE MEDICAL ADVISORY COMMITTEE**
3 **BYLAWS**
4

5 The Industrial Insurance Medical Advisory Committee (IIMAC or the
6 Committee), its officers, members and any subcommittees acting on behalf of
7 the Committee shall recognize, observe and be bound by the provisions of
8 Title 51 (as amended by Chapter 282, Laws of 2007), WAC 296-20-01001,
9 296-20-02704, 296-20-02705 and these Bylaws, as adopted or as may be
10 hereafter amended. The bylaws shall become effective upon approval in
11 writing by the Department of Labor and Industries.
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13 **A. NAME:**

14 This entity shall be known as the Industrial Insurance Medical Advisory
15 Committee (IIMAC or Committee).
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17 **B. AUTHORITY TO ACT:**

18 The Committee is formed pursuant to Title 51 (as amended by Chapter 282,
19 Laws of 2007) to advise the department on matters related to the provision of
20 safe, effective and cost-effective healthcare for injured workers.

21 The Committee is an advisory committee established by the Department to
22 aid in the development of practice guidelines and coverage criteria, review of
23 coverage decisions and technology assessments, review of medical
24 programs, and review of rules pertaining to health care issues and other
25 issues related to the provision of goods and services to injured workers as
26 approved by the Department and Committee.
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28 **C. PURPOSE OF BYLAWS:**

29 It is the purpose of the bylaws to establish a framework for the work of the
30 Committee; to provide for selection of a chair, vice chair and such other
31 officers as the Committee may determine; to create subcommittees as may

1 be necessary; to establish regular times and places for meetings of the
2 Committee; and, to review, consider and act upon any matters deemed by it
3 to be necessary to the administration of the Committee.

- 4 1) Procedures for appropriate consideration of medical, technological, and
5 coverage issues presented by the Department, the State Health
6 Technology Assessment Program, the State Prescription Drug Program or
7 other comparable entities, for consideration and recommendation, if
8 appropriate;
- 9 2) Procedures for appropriate consideration of requests from legislative
10 bodies and the Workers Compensation Advisory Committee as cited in
11 RCW 51.36 (as amended by Chapter 282, Laws of 2007).
- 12 3) Procedures to evaluate the safety, efficacy, effectiveness and cost
13 effectiveness of a given healthcare related service, technology and/or a
14 statute, rule or practice guideline.
- 15 4) Procedures that guide the development of recommendations which may be
16 considered by the Department for approval/adoption which may become
17 the basis for making industrial insurance claim decisions; and,
- 18 5) A protocol for deciding when additional information or evidence is
19 necessary for the work of the Committee and procedures for collection of
20 additional information.

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22 **D. THE OBJECTIVES AND PURPOSE OF THE INDUSTRIAL INSURANCE**
23 **ADVISORY COMMITTEE:**

24 The Committee is an independent advisory committee appointed by the
25 Department's Director as directed in WAC 296-20-01001 (1) (a) – (e).

26 The objectives and purpose of this Committee include but are not limited to:

- 27 1) Provide peer review and advice;
- 28 2) Assist the Department in the resolution of controversies, disputes, and
29 issues between the department and medical providers. Upon Department
30 request, the Committee shall:
 - 31 a) Review and advise the Department on:

- i) Coverage decisions based on the best available scientific evidence;
 - ii) Practice guidelines for covered services based on the best available scientific evidence and the expert opinion of a consensus of the Committee. Practice guidelines may be used for provider education, utilization review criteria, and for making industrial insurance claim decisions;
 - iii) Criteria related to definitions of quality of care and patterns of harmful care; and
 - iv) Issues related to emerging clinical conditions and related scientific evidence.
- b) Form subcommittees for the purpose of advising the Committee on approved topics as the Committee deems necessary and as approved by the Department. The Committee may request the department make available content experts to assist the subcommittee in developing recommendations for the Committee's consideration
 - c) Coordinate as necessary with the State Health Technology Assessment Program, the State Prescription Drug Program, or other comparable entities.

E. COMMITTEE APPLICATION FOR MEMBERSHIP

- 1) Application Process
 - a) To be considered for appointment to the Committee, applicants must complete and submit the *Nomination for Committee Membership* form, to include the *Conflict of Interest Disclosure* form. Members must keep the *Conflict of Interest Disclosure* form current and provide updated information whenever circumstances change.
- 2) Qualifications for Appointment
 - a) Appointment to the Committee shall be made by the Department's Director from a list of nominations provided by statewide clinical groups, specialties, and associations as provided by Title 51 (as amended by Chapter 282, Laws of 2007).

- 1 b) Nominees must demonstrate knowledge and expertise in one or more
- 2 of the following:
- 3 i) Family or general practice;
- 4 ii) Orthopedics;
- 5 iii) Neurology;
- 6 iv) Neurosurgery;
- 7 v) General Surgery;
- 8 vi) Physical Medicine and Rehabilitation
- 9 vii) Psychiatry;
- 10 viii) Internal Medicine
- 11 ix) Osteopathic Medicine
- 12 x) Pain Management; and
- 13 xi) Occupational Medicine.
- 14 c) Nominees shall possess a license to practice medicine in the State of
- 15 Washington.
- 16 d) Nominees shall have an active medical practice, with a majority of the
- 17 practice occurring within the State of Washington.
- 18 e) Nominees must be members in good standing with any applicable
- 19 agencies, boards, professional licensing boards or commissions.

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21 **F. REQUIREMENTS FOR MEMBERSHIP IN THE INDUSTRIAL INSURANCE**
22 **MEDICAL ADVISORY COMMITTEE:**

- 23 1) All Committee members shall:
- 24 a) Enter into and maintain a personal services contract with the
- 25 Department at the time of their appointment to the Committee and shall
- 26 act in accordance with all of its terms and conditions;
- 27 b) Be actively practicing in their clinical area of expertise throughout the
- 28 entire term of their appointments;
- 29 c) Maintain an active license to practice medicine or osteopathy in the
- 30 State of Washington throughout the entire term of their appointment;

- 1 d) Maintain good standing with any applicable agency, board,
2 professional licensing board or commission throughout the entire term
3 of their appointment;
- 4 e) Maintain a current *Conflict of Interest Disclosure* form and abide by all
5 terms of the *Conflict of Interest Addendum*. Failure to adhere to the
6 *Conflict of Interest Addendum* may result in a recommendation by the
7 Chair to the Director for termination of the appointment;
- 8 f) Not be an employee of the Department;
- 9 g) Not use the name of the Committee in any publication, meeting,
10 negotiation, or promotion without written prior approval of the
11 Department;
- 12 2) All members of the Committee serve at the pleasure of the Department.

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14 **G. APPOINTMENT PERIOD:**

- 15 1) Nominees shall be appointed to a term of one, two or three years, in order
16 for board membership to be staggered. Terms will not exceed three years.
- 17 2) A member may be automatically re-appointed to additional terms, not to
18 exceed six years total. Thereafter, a member may be re-nominated for re-
19 appointment by his or her statewide clinical group, specialty group, and/or
20 association for up to an additional three years.
- 21 3) Vacancies occurring on the Committee shall be filled by the Director from
22 a nomination roster of at least two persons provided by the statewide
23 clinical group, specialty group and/or association for which the vacancy
24 was representing.
- 25 4) If a vacancy occurs due to termination of a member during the term of his
26 or her appointment, the replacement's initial appointment may be only for
27 the remainder of the term of the vacant position.

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29 **H. REMOVAL OF MEMBERS:**

- 30 1) Members of the Committee serve at the pleasure of the Director.
31 Termination of appointment may result from any of the following:

- 1 a) Referral by the Chair to the Director for just cause shown;
- 2 b) Failure to disclose a conflict of interest and complete an annual
- 3 *Conflict of Interest Disclosure* form;
- 4 c) Failure to abide by all terms of the *Conflict of Interest Addendum* to
- 5 these Bylaws;
- 6 d) Loss of license to practice medicine or osteopathy in the State of
- 7 Washington;
- 8 e) Failure to abide by statute, rules, bylaws of the Committee;
- 9 f) Failure to maintain good standing with any applicable agency, board,
- 10 professional licensing board or commission throughout the entire term
- 11 of their appointment; or
- 12 g) Failure to regularly attend meetings of the Committee.

13

14 **I. COMPENSATION**

15 Members of the Committee and any duly established subcommittees will be
16 compensated for participation in the work of the Committee in accordance
17 with a personal services contract to be executed after appointment and prior
18 to commencement of activities related to the work of the Committee.

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20 **J. DUTIES OF INDUSTRIAL INSURANCE MEDICAL ADVISORY**
21 **COMMITTEE MEMBERS:**

22 The duties of the Committee members include:

- 23 1) To advise the Department in all matters related to the provision of safe,
- 24 effective and cost effective treatments for injured workers, including but
- 25 not limited to the development of practice guidelines and coverage criteria,
- 26 review of coverage decisions and technology assessments, review of
- 27 medical programs, and review of rules pertaining to healthcare issues.
- 28 2) To establish procedures the Committee deems necessary to conduct
- 29 evidence based reviews.

- 1 3) To participate fully in issue discussions and to always remember that the
2 safety and well being of the workers of the State are at the core of the
3 discussion.
- 4 4) To inform the Committee immediately of any possible conflict of interest
5 that may arise in regard to a specific technology, medical service, or
6 coverage topic discussion. Committee members functioning as a provider
7 or being reimbursed as a provider in the L&I system does not, by itself,
8 constitute a conflict of interest.
- 9 5) To graciously accept the Chair, the Committee, or Director's finding that a
10 conflict of interest does exist and to recuse oneself from the discussion and
11 vote if necessary.
- 12 6) To regularly attend meetings of the Committee.

14 **K. SCIENTIFIC BASIS for ADVICE**

- 15 1) The Committee shall consider the best available scientific evidence, the
16 expert opinion of Committee members, and experts or consultants
17 identified by the Committee, when providing advice and recommendations
18 to the department related to coverage decisions, policies, or rules.
- 19 2) The Committee shall recommend coverage criteria based on existing rules
20 (WAC 296-20-02704) and on careful evaluation of the best available
21 evidence at the time of the review.
- 22 3) "Best available scientific evidence" means reports and studies published in
23 peer-reviewed scientific and clinical literature. The best evidence will be
24 from studies designed to minimize potential bias and which are most
25 applicable to the Washington State injured worker population. The
26 Committee shall consider the methodology and rigor of the literature
27 identified as well as the quality of publication source.
- 28 4) The Committee shall, when considering the best scientific evidence, give
29 greatest weight to the most rigorously designed studies.
- 30 5) The Committee shall consider the strength of study design based upon
31 scientifically accepted methodology principles including randomization,

1 blinding, and appropriateness of outcomes, spectrum of cases and
2 controls and statistical power to detect meaningful differences. Additional
3 weight will be given to studies that focus on sustained health and
4 functional outcomes of workers with occupational conditions.

5 6) The Committee shall consider the experience of the Department and may
6 consider data from the Department, other state or federal agencies or
7 other insurers.

8 7) The Committee shall provide transparent documentation of the scientific
9 basis for advice it provides to the Department including:

10 a) Explanations of the overall strengths and weaknesses of the best
11 available scientific evidence, expert opinion and other evidence
12 considered by the Committee.

13 b) Identification and explanation of any apparent conflict between the
14 Committee's practice guidelines or advice and existing practice
15 guidelines, medical community opinion, or policies of the Department
16 or other state agencies.

17

18 **L. OFFICERS:**

19 1) A Chair and a Vice Chair, selected by the members, shall manage the
20 Committee and such other Officers as are deemed necessary to
21 administer the affairs of the Committee.

22 2) The term of office shall be for two years beginning on January 1st of the
23 year following selection.

24 3) Each officer shall hold office until a successor is duly elected.

25 4) The officers of the Committee shall fulfill the following functions:

26 a) Chair: The Chair shall be the principal executive officer of the
27 Committee and shall generally supervise and control the Committee's
28 business. The Chair may recommend appointment of other officers
29 and subcommittees to the Department, as he or she deems
30 appropriate. The Chair shall:

31 i) Preside at all meetings of the Committee;

- 1 ii) Serve as an ex-officio member of all subcommittees;
- 2 iii) Prepare recommendations to the Director for removal of a
- 3 Committee member(s), subcommittee member(s) or a hired
- 4 expert(s) for good cause shown, should it become necessary.
- 5 b) Vice Chair: The Vice Chair shall perform all duties of the Chair in the
- 6 absence of the Chair or when the Chair is unable to act. When so
- 7 acting, the Vice Chair shall have all of the powers and be subject to all
- 8 of the restrictions of the Chair. The Vice Chair shall perform such other
- 9 duties as may be assigned by the Chair or the Department and may
- 10 act as the designee of the Chair as a member of any subcommittee.
- 11 5) Any officer selected or appointed by the Committee may be removed by a
- 12 majority vote of the full Committee whenever in its judgment the best
- 13 interests of the Committee would be served.
- 14 6) The Chair and the Vice Chair should not be employed by the same entity.
- 15 7) The Committee should select officers from different regions of the state
- 16 whenever possible.
- 17 8) In the absence of both the Chair and the Vice Chair and when a quorum of
- 18 Committee members are present, an acting Vice Chair shall be appointed
- 19 by a majority of the Committee present at that meeting and shall preside
- 20 at that meeting of the Committee.
- 21 9) If a vacancy occurs in the office of Chair due to death, resignation,
- 22 removal, disqualification or other act of the Committee or the Department,
- 23 the Vice Chair shall automatically fill such vacancy until a successor is
- 24 elected at the next regularly scheduled meeting. If a vacancy occurs in the
- 25 office of Vice Chair, a new Vice Chair shall be elected by a majority vote of
- 26 the members for the remainder of the term.
- 27 10) All elections of officers shall be held before the last meeting of the
- 28 calendar year, if an election is required.
- 29 11) All elections of officers shall be conducted by written ballot.
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M. CONSENSUS, VOTING AND QUORUM:

The Committee members shall act in good faith to reach consensus when working to develop final recommendations to the Department.

1) Consensus

- a) The Committee and all subcommittees shall utilize a consensus seeking process when deciding what advice or recommendation to give to the Department. Resources for consensus seeking are provided in the Committee Members Manual.
- b) The Chair of the Committee or designee shall facilitate using the consensus seeking process.
- c) When the Chair determines that consensus cannot be achieved among the quorum present, the Chair can either refer the discussion to a subcommittee for further review, ask that the discussion be moved to the next agenda, or can call for a vote.

2) Voting

- a) If after all deliberate effort a consensus cannot be achieved, the Committee may offer a motion for a vote.
- b) The presence of one-half plus one of the membership shall constitute a quorum.
- c) A simple majority of the quorum shall be required for all voting matters. A majority of the quorum must vote in favor of a motion in order for the motion to be adopted.
- d) When a member must recuse himself or herself from acting on any matter, that person will not count for purposes of determining a quorum. Thus, if eight of fourteen members are present at a meeting where a vote is scheduled to occur and one member cannot participate, a quorum is not present.

1 e) When a quorum is present, the acts of the majority of the Committee
2 members present shall be the acts of the Committee in all voting
3 matters.

4 f) Members must be present to vote. Members are considered present
5 when they appear in person or via real time tele/video communications
6 at the moment of the vote.

7
8 **N. MEETINGS OF THE INDUSTRIAL INSURANCE MEDICAL ADVISORY**

9 **COMMITTEE:**

10 1) The Committee shall meet at least quarterly and may meet at other times
11 by recommendation of the Chair and at the discretion of the Department.

12 2) Committee and all subcommittee meetings shall in all respects comply
13 with the provisions of the Open Public Meetings Act, chapter 42.30 RCW,
14 and shall be subject to the provisions of the Administrative Procedure Act,
15 chapter 34.05 RCW, as applicable.

16 3) Meetings shall be held at such time and place as the Committee Chair and
17 the Department determines in order to conduct all business deemed
18 necessary for the administration of the Committee.

19 4) At each meeting, the Committee shall review the status of all business
20 before the Committee, and shall review and act upon outstanding issues.

21 5) Advance notice of all meetings, both regular and special, of the Committee
22 will be published in the *Washington State Register* and will be provided to
23 interested parties. Persons interested in receiving information about
24 meetings shall be encouraged to provide electronic addresses or
25 information regarding such other means of receiving notice as may be
26 determined to be appropriate by the Department.

27 6) Notice of the time and manner of any meeting may be given orally, or by
28 telephone to the office, residence or normal place of business of each
29 Committee member at least two days prior to the time of such meeting.
30 Such notice shall be sufficient for all purposes.

1 7) The Department staff person assigned to provide assistance to the
2 Committee shall cause minutes of the Committee's deliberations to be
3 kept.

4 8) Meetings of the Committee may be held by means of a conference
5 telephone or similar communication equipment, by which all persons
6 participating in the meeting can hear each other at the same time, and
7 participation by such means shall constitute the presence of a person at a
8 meeting and shall be noted on the Committee minutes.

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10 **O. STAFF ASSISTANCE:**

11 1) Staff assistance to the Committee will be provided by Department
12 employees, independent contractors employed by the Department for this
13 purpose, or such other supporting staff as the Director may deem
14 appropriate or necessary to assure that the mission of the Committee is
15 carried out.

16 2) Staff assistants shall cause all votes of all proceedings to be recorded and
17 to be available to the public, upon request.

18 3) Staff shall:

19 a) Give or cause to be given, notice of all meetings, including publication
20 in the *Washington State Register*, to all members of the Committee
21 and such parties who have advised staff of their interest in the
22 activities and meetings of the Committee;

23 b) Act as custodian of the records of the Committee;

24 c) Keep a register of the address of each member, maintain a record of
25 the names of members entitled to vote, and provide public access to all
26 such records;

27 d) Assist Committee members to complete reports of expenses, as may
28 be required for reimbursement by the state and keep accurate
29 accounts of such reports;

- 1 e) Make every effort to ensure any materials required for committee
2 action are provided at least five days in advance of a Committee
3 meeting; and
4 f) Perform such other duties as may be prescribed by the Committee, the
5 Department, or the Director.
6

7 **P. CONTRACTS:**

- 8 1) The Committee does not have the authority to enter into contracts, but
9 may recommend that the Department enter into such contracts as are
10 necessary to carry out the provisions and purposes of the Act or the work
11 of the Committee. Such contracts may include engagements of
12 independent legal, actuarial, clinical, scientific or other consultants.
13 2) The Committee may suggest necessary or desirable corrections,
14 improvements or additions to any such contract.
15

16 **Q. SUBCOMMITTEES:**

- 17 1) The Chair may recommend to the Department the establishment of one or
18 more duly established subcommittees.
19 2) The Chair shall designate two or more Committee members to serve on
20 each duly appointed subcommittee and shall designate one Committee
21 member to serve as the Chair of the subcommittee.
22 3) Such other persons as may be recommended by the Chair and
23 designated by the Department may serve on any subcommittee. The
24 focus of the Chair shall be on recommending person(s) who will contribute
25 expertise to the subcommittee's work.
26 4) No subcommittee shall have authority to amend, alter, or repeal these
27 bylaws, adopt any action contrary to the Committee, or remove any
28 member or take any action on behalf of the Committee or the state of
29 Washington.
30 5) The designation and appointment of any subcommittee and the delegation
31 thereto of any authority of the Committee shall not operate to relieve the

1 Committee, or officers of the Committee, or any member of the Committee
2 of any responsibility imposed upon him or her by law, rule or these bylaws.

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6 **R. COUNSEL TO THE COMMITTEE:**

7 The Assistant Attorney General providing general legal advice to the
8 Department will provide general legal assistance to the Committee.

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10 **S. IMMUNITY:**

11 The members of the Committee and any subcommittee are immune from civil
12 liability for any official acts performed in good faith to further the Industrial
13 Insurance Medical Advisory Committee pursuant to WAC 296-20-01001.

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15 **T. CHANGES TO BYLAWS:**

- 16 1) The Committee may vote to alter, amend or repeal these by-laws.
17 2) Votes to alter, amend or repeal these by-laws shall not be taken at the
18 meeting during which the changes to the by-laws are proposed.
19 3) The Chair shall notify all Committee members at least ten days in advance
20 of any meeting at which a vote on a motion to change the by-laws will be
21 taken. The notice shall be in writing, and shall include the text of the
22 proposed changes that will be voted upon. A fair opportunity for discussion
23 of the proposed changes shall be provided before a vote on the proposed
24 changes is taken.
25 4) A quorum must be present and the affirmative vote of 75% of all
26 Committee members present is required for passage of a proposed
27 alteration, amendment, or repeal of these by-laws.

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29 No alteration, amendment, repeal of these by-laws shall be effective until it is
30 approved by the Department in writing. Any amendment or alteration to these
31 by-laws must be in conformity with all applicable state and federal laws and
32 administrative regulations.

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U. TERMINATION:

The Committee shall continue in existence subject to termination in accordance with requirements of laws of the state of Washington or action of the Department. In case of termination, to the extent consistent with such laws or consistent with the action of the Department, the Committee shall continue operating only to the extent necessary to orderly complete the work of the Committee.

V. Report to Legislature

The Chair shall participate in the development and presentation of a report to the appropriate committees of the legislature in regard to the activities of the Committee. The report is due no later than June 30, 2011. The report shall include the following:

- 1) A summary of the types of issues reviewed by the Committee and the recommendations in regard to each issue;
- 2) A summary of any disputes or controversies and the outcome of their resolution as a result of the Committee’s involvement;
- 3) A summary of the peer reviews conducted and the outcome of the review;
- 4) A summary of any practice guidelines or coverage criteria recommendations developed by the Committee, to include the success of the recommendations;
- 5) A summary of any advice provided by the Committee in regard to coverage decisions and technology assessments; and,
- 6) A recommendation as to the continuance or dissolving of the Committee.

1 **DEPARTMENT OF LABOR AND INDUSTRIES**
2 **INDUSTRIAL INSURANCE MEDICAL ADVISORY COMMITTEE**
3 **Conflict of Interest Disclosure Addendum**
4

5 This conflict of interest disclosure addendum is designed to ensure that the
6 Committee Chair, members and Department have full knowledge of external
7 influences that may exist when considering an issue or review or other action
8 that may come before the Committee.

9 A member who self identifies a potential conflict of interest can offer to recuse
10 himself or herself or may request a determination from the Committee Chair
11 and/or the Department. When the Department is considering a potential
12 conflict of interest, the Ethics in Public Service Act, Chapter 42.52 RCW shall
13 be the resource utilized for determination.
14

15 **A. NOMINEES TO THE COMMITTEE**

- 16 1) Nominees must disclose all financial relationships with a manufacturer,
17 provider, or vendor of health technologies, medical devices, diagnostic
18 tools, and medications at the time of application or within the most recent
19 eighteen months.
20 2) All nominees shall complete a Conflict of Interest Disclosure form (COI)
21 disclosure form as part of the appointment process.
22

23 **B. COMMITTEE AND/OR SUBCOMMITTEE MEMBERS**

- 24 1) Committee members shall update their Conflict of Interest Disclosure
25 statements annually, by July 1st of each year, and within 15 working days
26 of any change or prior to the next meeting, whichever occurs first. All
27 members acknowledge the importance of notifying their fellow Committee
28 members of any potential conflict of interest prior to participation in
29 consideration of an issue or review or other action of the Committee.
30 2) The Chair or the Department may ask a member with a conflict of interest
31 to participate in the discussion as an expert on the subject under

1 consideration. The member may not participate in the consensus process
2 or cast a vote when acting as an expert.

3 Notwithstanding any determination by the Executive Ethics Board or other
4 tribunal, the department may, in its sole discretion, terminate membership
5 if it is found after due notice and examination that there is a violation of the
6 Ethics in Public Service Act; or any similar statute involving the member.

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8 **C. EXPERT ASSISTANCE – COMPENSATED OR UNCOMPENSATED**

9 Prior to offering expert testimony to the Committee, non-members must
10 complete a *Conflict of Interest Disclosure* form and accurately disclose any
11 conflict of interest prior to consideration as an expert to a topic under review
12 by the Committee and/or subcommittee. The Chair or the Department may
13 ask a non-member with a conflict of interest to participate in the discussion as
14 an expert on the subject under consideration. Failure to accurately disclose
15 any conflict of interest may result in termination of a personal services
16 contract.

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