



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(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 05-01-167 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4).

- 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):**  
Dept of Labor & Industries  
7273 Linderson Way SW  
Tumwater WA 98501

Date: March 22, 2005 Time: 1:00 PM

**Submit written comments to:**

Name: Tom Davis  
Address: PO Box 44322  
Olympia, WA 98504-4322  
e-mail [dato235@LNI.wa.gov](mailto:dato235@LNI.wa.gov)  
fax (360) 902-4249 by (date) March 29, 2005

**Assistance for persons with disabilities:** Contact

Tom Davis by March 17, 2005

TTY (360) 902-5797 or fax (360) 902-4249

**Date of intended adoption:** April 19, 2005

(Note: This is **NOT** the **effective** date)

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

The purpose of the rule is to update the department's payment rates for health care services by:

- 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(2): Increase the RBRVS conversion factor from \$50.63 to \$52.23.

WAC 296-20-135(3): Increase the anesthesia conversion factor from \$2.81 to \$2.90.

WAC 296-23-220 and WAC 296-23-230: Increase the maximum daily rate for physical and occupational therapy services from \$104.12 to \$107.45.

**Statutory authority for adoption:**  
RCW 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:

**CODE REVISER USE ONLY**

**WSR# 05-05-064**

**DATE**  
February 15, 2005

**NAME** (type or print)  
Paul Trause

**SIGNATURE**

**TITLE** Director

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

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

The conversion factor updates are made in accordance with WAC 296-20-132, Determination of Conversion Factor Adjustments. The anticipated effect of this rule change is to allow injured workers continued access to health care services.

**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..... Tom Davis	Tumwater, WA	(360) 902-6687
Implementation.... Robert Malooly, Assistant Director	Tumwater, WA	(360) 902-4209
Enforcement..... Robert Malooly, Assistant Director	Tumwater, WA	(360) 902-4209

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic 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).