



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 06-13-084 ; or | <input checked="" type="checkbox"/> Original Notice       |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or           | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).                                  | <input type="checkbox"/> Continuance of WSR _____         |

Title of rule and other identifying information: (Describe Subject) WAC 296-20-03014 Which drugs have specific limitations? "injectables."

**Hearing location(s):**  
Department of Labor and Industries  
Room S117  
7273 Linderson Way, SW  
Tumwater, WA 98501

Date: November 27, 2006 Time: 1:30 pm

**Submit written comments to:**

Name: Jami Lifka  
Address: Office of the Medical Director, PO Box 44321  
Olympia, WA 98504-4321  
e-mail [lifk235@lni.wa.gov](mailto:lifk235@lni.wa.gov)  
fax (360)902-6315 by (date) November 27, 2006

**Assistance for persons with disabilities:** Contact  
Office of Information and Assistance by November 15, 2006  
TTY (360) 902-5797 or (360) 902-4941

**Date of intended adoption:** December 29, 2006  
(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Under the proposed rule it would be clear under what conditions the department will pay for intrathecal pumps. A worker with cancer or a spinal cord injury may be eligible for an intrathecal pump. Also hospitalized patients and those within 48 hours post surgery would be eligible. For safety reasons, under the proposed WAC, payment for permanent placement of the intrathecal infusion pumps would not be allowed for the treatment of chronic, non-cancer pain resulting from non-catastrophic injuries.

**Reasons supporting proposal:** While the pumps may temporarily be modestly effective, there are serious safety concerns. A systematic review done by the University of Washington revealed many serious adverse events including: a potential for life-threatening overdose, potentially life-threatening infection, granulomatous mass formation at the catheter tip endangering neural structures in the spinal canal, impotence, disabling edema, and disabling pruritis (itching). In addition to these serious problems, the pumps' components often break, migrate, or malfunction, thus requiring additional procedures.

**Statutory authority for adoption:** RCW 51.04.020, RCW 51.04.030

**Statute being implemented:** RCW 51.04.020, RCW 51.04.030

**Is rule necessary because of a:**

- |   |   |  |
|---|---|--|
| Federal Law?  |   |  |
| Federal Court Decision?   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <i>Roller v. Department of Labor and Industries</i> , 128 Wash. App. 922, 117 P.3d 385 (2005) | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |

**CODE REVISER USE ONLY**

**WSR 06-21-092**

**DATE**  
October 17, 2006

**NAME** (type or print)  
Gary Weeks

**SIGNATURE**

**TITLE**  
Director

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

Name of proponent: (person or organization) Dept. of Labor & Industries

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting.....Jamie Lifka	7273 Linderson Way SE, Tumwater, Washington	(360) 902-4941
Implementation....Gary Franklin, MD, MPH	Office of the Medical Director	(360) 902-5020
Enforcement.....Bob Malooly	Assistant Director of Insurance Services	(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 relates only to internal governmental operations that are not subject to violation by a nongovernment party, and per RCW 34.05.310(4)(b) is exempt from the SBEIS requirement.

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: This rule relates only to internal governmental operations that are not subject to violation by a nongovernment party, and per RCW 34.05.328(5)(b)(ii) is exempt from the CBA requirement.