



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
**(Implements RCW 34.05.360)**

**Agency:** Department of Labor and Industries

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.  
 Other (specify) March 1, 2010 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose**

These changes will improve the quality of the IME examination, the IME report and the worker's satisfaction with the IME process. The purpose of the proposed rules is to ensure the medical providers who become independent medical examiners know and meet the department's requirements. In the proposed rules, the existing requirements were clarified and additional requirement were added.

These rules demonstrate the department's willingness to address stakeholder concerns regarding the IME process and make the necessary changes. These rules also demonstrate and support the department's continuing efforts to improve quality in the process and the final product, the examination and the report which ultimately affects the resolution of workers' compensation claims.

**Citation of existing rules affected by this order:**

Repealed:  
 Amended: WAC 296-23-302, 296-23-317, 296-23-337, 296-23-387  
 Suspended:

**Statutory authority for adoption:** RCW 51.32.055, 51,32,112, 51.32.114, 51.36.060, 51.36.070

**Other authority :** None

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR **09-11-101** on May 19, 2009

Describe any changes other than editing from proposed to adopted version:

- Added roll out plan for all current IME providers to apply within first year to be in compliance with new rule.
- Added exception language to pre-testimony and testimony conference time frames.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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**Date adopted:** November 30,2009

**NAME (TYPE OR PRINT)**

Judy Schurke

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: November 30, 2009**

**TIME: 4:31 PM**

**WSR 09-24-085**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	4	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	4	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	4	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____