



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Labor and Industries

Preproposal Statement of Inquiry was filed as WSR 10-13-165 June 23, 2010;
 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: Independent Medical Examinations (IMEs)
 WAC 296-23-317, What qualifications must a provider meet to become an approved independent medical examination (IME) provider and be assigned an IME provider number?

WAC 296-23-337, For what reasons shall the Department's medical director or designee suspend or terminate approval of an independent medical examination (IME) examiner or firm?

Hearing location(s):

Date: October 5, 2010 Time: 1:00 PM
 Tukwila L&I Service Location
 12806 Gateway Drive
 Tukwila, WA 98168-1050

Date: October 12, 2010 Time: 9:00 AM
 Spokane L&I Service Location
 901 N. Monroe St., Ste. 100
 Spokane, WA 99201-2149

Submit written comments to:

Anita L. Austin
 PO Box 44322
 Olympia, WA 98504-4322
 FAX (360) 902-4292 by October 25, 2010

Date of intended adoption: December 10, 2010
 (Note: This is **NOT** the **effective** date)

Assistance for persons with disabilities: Contact
 Anita L. Austin by September 27, 2010
 (360) 902-6825 or FAX (360) 902-4249

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

Our rules require board certification for providers to perform independent medical exams. This applies to all medical, osteopathic, and podiatric physicians as well as dentists. Because only dentists with specialties are board certified, we must change the rules to allow all licensed dentists to be on the approved examiner list.

Other identifying information: None

Reasons supporting proposal: The proposed rules are responsive to stakeholder feedback. These rules also support the department's continuing efforts to improve the quality of the process and the IME examination and report, which ultimately affect the resolution of workers' compensation claims.

Statutory authority for adoption: RCW 51.04.020, RCW 51.04.030, RCW 51.32.112, RCW 51.32.114, RCW 51.32.055, RCW 51.36.060, RCW 51.36.070

Statute being implemented: RCW 51.32.112, RCW 51.32.114, RCW 51.32.055, RCW 51.36.060, RCW 51.36.070

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

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: August 31, 2010

TIME: 3:10 PM

WSR 10-18-079

DATE
 August 31, 2010

NAME (type or print)
 Judy Schurke

SIGNATURE

TITLE
 Director

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

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..... Anita L. Austin	Tumwater, Washington	(360) 902-6825
Implementation.... Robert Malooly	Tumwater, Washington	(360) 902-4209
Enforcement..... Robert Malooly	Tumwater, Washington	(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.

No. Explain why no statement was prepared.

The rule changes are proposed to clarify the procedure and correct the scope of the current rules. Therefore, the department is exempt from conducting a SBEIS under RCW 19.85.025 referencing RCW 34.05.310(4)(d) respectively.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

No: Please explain:

The rule changes are proposed to clarify the procedure and correct the scope of the current rules. Therefore, the department is exempt from conducting a CBA under RCW 34.05.328(5)(b)(iv).