



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: January 10, 2011

Permanent Rules

31 days after filing.

Other (specify) (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

Pursuant to L&I rule (WAC 296-23-317), to be eligible to perform independent medical examinations (IMEs), providers must hold board certification. This rule applies to all medical, osteopathic, and podiatric physicians, as well as dentists.

General dentists are licensed, but not board certified. There is not a board offering certification for general dentistry. The rule is being changed to allow licensed dentists to remain on the approved examiner list.

Other identifying information: None

Reasons supporting proposal: This rule responds to stakeholder concerns that general dentists be allowed to perform IMEs to expedite the resolution of workers' compensation claims.

Citation of existing rules affected by this order:

Repealed:

Amended: WACs 296-23-317 and 296-23-337

Suspended:

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

Other authority : None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 10-18-079 on August 31, 2010.

No language changes or edits were made to the proposed version.

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.

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Date adopted: December 10, 2010

NAME (TYPE OR PRINT)

Judy Schurke

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 10, 2010

TIME: 9:51 AM

WSR 11-01-069

(COMPLETE REVERSE SIDE)

**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:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	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	2	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	2	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>2</u>	Repealed	_____