



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Department of Labor & Industries

Subject of possible rule making:

Chapter 296-14 WAC, Industrial Insurance
Chapter 296-15 WAC, Workers' Compensation Self-Insurance Rules and Regulations
Chapter 296-20 WAC, Medical Aid Rules
Chapter 296-21 WAC, Reimbursement Policies: Psychiatric Services, Biofeedback, Physical Medicine
Chapter 296-23 WAC, Radiology, Radiation Therapy, Nuclear Medicine, Pathology, Hospital, Chiropractic, Physical Therapy, Drugless Therapeutics and Nursing -- Drugless Therapeutics, etc.
Chapter 296-23A WAC, Hospitals
Chapter 296-23B WAC, Ambulatory Surgery Center Payment

Statutes authorizing the agency to adopt rules on this subject: Substitute Senate Bill 5801 (Chapter 6, Laws of 2011), amending RCW 51.36.010, RCW 51.04.020 and RCW 51.04.030.

Reasons why rules on this subject may be needed and what they might accomplish:

SSB 5801 directs the Department of Labor & Industries (L&I) to establish a medical provider network to treat injured workers of employers insured with L&I and of self-insured employers. SSB 5801 also expands Centers for Occupational Health and Education (COHEs). Rules are necessary to implement the changes. The department will create and/or amend necessary rules in phases to ensure timely completion of all required provisions. The first set of rules included minimum standards for credentialing of medical providers and other requirements for network participation and to define "risk of harm."

This rule-making phase will adopt or amend rules that are needed to effectively launch and maintain the network and improve quality of medical care provided to injured workers. These amended or new rules may include but are not limited to:

- (1) Establishing rules for when an injured worker of the state fund and self-insured employers can have access to a non-network provider for an initial visit; COHE indicators or other standards necessary to implement COHE expansion; standards to expand evidence-based best practices for the medical provider network or a second tier of providers within the network; further detailing credentialing processes or provider network maintenance actions; any standards necessary to coordinate utilization review with self-insured employers; and
- (2) Amending, clarifying or deleting department rules that conflict with SSB 5801, or with the department's implementation of SSB 5801.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

This law directs the agency to establish a health care provider network for Washington workers' compensation governed by Title 51 RCW, Washington's Industrial Insurance Act. No other state or federal agencies are responsible for interpreting and enforcing the provisions of this Act.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

The rule will be developed in consultation with the advisory group established in SSB 5801, including:

- Members or designees of the Workers' Compensation Advisory Committee, the Industrial Insurance Medical Advisory Committee, and the Industrial Insurance Chiropractic Advisory Committee.
- The public may keep informed by attending advisory committee meetings and/or by looking at the following L&I web site: www.ProviderNetwork.lni.wa.gov. Individuals can also participate by providing written comments during the CR-102 comment period or giving oral testimony at public hearings.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

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DATE November 22, 2011
NAME (TYPE OR PRINT) Judy Schurke
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TITLE Director

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