



PREPROPOSAL STATEMENT OF INQUIRY

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

Agency: Department of Labor and Industries

Subject of possible rule making:

Chapter 296-23 WAC, Radiology, Radiation Therapy, Nuclear Medicine, Pathology, Hospital, Chiropractic, Physical Therapy, Drugless Therapeutics and Nursing — Drugless Therapeutics, etc.

Specifically, the part of the chapter on Independent Medical Examinations (IMEs), WAC 296-23-302 through 296-23-387.

Statutes authorizing the agency to adopt rules on this subject: RCW 51.04.020, 51.04.030, 51.32.055, 51.32.110, 51.32.112, 51.32.114, 51.36.060 and 51.36.070

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

The department has already adopted new rules to implement provisions of Substitute Senate Bill 5801 (Chapter 6, Laws of 2011) that create minimum standards for treating providers in the Medical Provider Network to treat injured workers of state fund and self-insured employers. Without amending the IME WACs, the standards for IME examiners will be inconsistent with standards for treating physicians.

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

None

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

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

Labor and Industries will begin the rule development process and will share the draft proposal with stakeholders and other interested parties, including the Workers' Compensation Advisory Committee. Public hearings will be held after the proposal is filed.

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

A notification will be mailed to all IME providers alerting them to the rulemaking and encouraging them to sign up for the IME ListServ. Updates will be published at the ListServ site. Providers who wish to be added to the ListServ can do so through this link: <http://www.lni.wa.gov/Main/Listservs/IME.asp>

Meetings will be held with business and labor representatives and small groups representing IME firms and providers. Feedback from providers is encouraged through the ListServ or by contacting:

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DATE
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