



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Department of Labor and Industries

- Preproposal Statement of Inquiry was filed as WSR 12-12-061 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:** (Describe Subject)

Chapter 296-31 WAC, Crime Victims Compensation Mental Health Treatment Rules and Fees  
Chapter 296-33 WAC, Attendant Services

**Hearing location(s):**  
7273 Linderson Way SW, Room S119  
Tumwater, WA 98501

Date: September 13, 2012 Time: 2:00 PM

**Submit written comments to:**

Name: Cletus Nnanabu  
Address: PO Box 44520  
Olympia, WA 98504-4520  
e-mail [Cletus.Nnanabu@lni.wa.gov](mailto:Cletus.Nnanabu@lni.wa.gov)  
fax (360) 902-5333 by 5 p.m. on September 13, 2012

**Assistance for persons with disabilities:** Contact

Courtney Davis by August 30, 2012 at (360) 902-5341

**Date of intended adoption:** October 23, 2012  
(Note: This is **NOT** the **effective** date)

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

This rulemaking will amend eight and repeal nine rules under Chapter 296-31 WAC. The purpose is to be consistent with Substitute Senate Bill 5691 (Chapter 346, Laws of 2011). The amendments will include the removal of references to Title 51 RCW and WACs being repealed, explain the impacts of the new benefit maximum, add clarity, and correct references to the billing guidelines.

Chapter 296-33 WAC will be revised to improve quality of care and public health to victims. It will also increase the efficiency of staff time and will eliminate the uncertainty of employer/employee relationships between the program and care providers

**Reasons supporting proposal:**

The updates are needed to explain the impacts of the new benefit maximum, add clarity, and correct references to the billing guidelines. The amendments will also streamline the reporting process for mental health providers. The repealed WACs are repetitive with rules contained in Chapter 296-30 WAC regarding provider responsibilities. The independent mental health or independent medical evaluations are no longer considered separate from regular medical exams and the rule under WAC 296-31-069 is redundant.

**Statutory authority for adoption:** RCW 7.68

**Statute being implemented:** Substitute Senate Bill 5691  
(Chapter 346, Laws of 2011)

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 31, 2012**

**TIME: 9:11 AM**

**WSR 12-16-066**

**DATE**  
July 31, 2012

**NAME** (type or print)  
Judy Schurke

**SIGNATURE**

**TITLE**  
Director

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

N/A

**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..... Cletus Nnanabu	Tumwater, WA	(360) 902-5340
Implementation....Cletus Nnanabu	Tumwater, WA	(360) 902-5340
Enforcement.....Cletus Nnanabu	Tumwater, WA	(360) 902-5340

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

This rule (Chapter 296-31 WAC) is specifically exempt from the small business economic impact statement requirement because the proposed rule changes will clarify rule language without changing its effect [see RCW 19.85.025 referencing RCW 34.05.310(4)(d)].

This rule (Chapter 296-33 WAC) change is expected to impose no more than minor costs on the entire provider population that is required to comply with this rule.

**Is a cost-benefit analysis required under RCW 34.05.328?**

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

Name: Maty Brimmer

Address: PO BOX 44520, Olympia, WA 98504

phone (360) 902-6707

fax (360) 902-5333

e-mail [maty.brimmer@lni.wa.gov](mailto:maty.brimmer@lni.wa.gov)

No: Please explain: