



# 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 rulemaking:**

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."

The second rulemaking adopted language that allows injured and ill workers to see a provider of their choice for the initial visit of their claims. The adopted language informs health care providers and workers as to what services may be provided by a nonnetwork provider and when care must be transferred to a network provider.

This third rulemaking phase will amend, clarify or delete further 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:** SSB 5801 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 Provider Network Advisory Group (PNAG) 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.
- Individuals can 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:**

The public may keep informed by attending the Provider Network Advisory Committee (PNAG) meetings and by looking at the following L&I web site:

[www.ProviderNetwork.Lni.wa.gov](http://www.ProviderNetwork.Lni.wa.gov).

This web site includes the most up-to-date information regarding the establishment of a state-wide health care provider network and well as expanding COHEs. Information about the PNAG meetings can also be found on this site.

**DATE**  
July 3, 2012

**NAME (TYPE OR PRINT)**  
Judy Schurke

**SIGNATURE**

**TITLE**  
Director

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