



# 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 296-15 WAC Workers' Compensation Self-Insurance Rules and Regulations

**Statutes authorizing the agency to adopt rules on this subject:** Substitute Senate Bill (SSB) 5801 (Chapter 6, Laws of 2011) amends 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 statewide health care provider network to treat injured and ill workers of employers insured with L&I and of self-insured employers. Rules are necessary to implement these changes.

- (1) The first phase of rules adopted minimum standards for credentials of health care providers in the statewide health care provider network and clarified what constitutes patterns of risk of harm or death that determines when L&I may remove a provider from the network or take other appropriate action.
- (2) The second phase of rules adopted clarified who can treat an injured or ill worker for the initial visit and when care must be transferred to a network provider.
- (3) The third phase of rules amended existing department rules that were in conflict with SSB 5801 or the successful implementation of the statewide health care provider network. This third rulemaking was necessary so that health care providers, state fund employers, self-insured employers, and injured and ill workers have a clear understanding of this new health care provider network and their rights and requirements under SSB 5801.
- (4) This fourth rulemaking phase will amend department rules relating to self-insured employers authorization of medical care to include reference to the statewide health care provider network established in 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)

- This rule will be developed in consultation with the advisory group established in SSB 5801. This advisory group includes business and labor members, and representatives of 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](http://www.ProviderNetwork.Lni.wa.gov). Information about the advisory group meetings can be found at this web site.
- Individuals can also participate by providing written comments during the CR-102 comment period or by 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:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Phone: (360) 902-4941 or FAX: (360) 902-6315 or Mail: Jami Lifka, or e-mail: [Jami.Lifka@Lni.wa.gov](mailto:Jami.Lifka@Lni.wa.gov)  
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**DATE**  
November 20, 2012

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

**SIGNATURE**

**TITLE**  
Director

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