



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor & Industries (L&I)

- Preproposal Statement of Inquiry was filed as WSR 13-02-093 ; 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) Drug Rule

The Department is proposing to create, amend and delete rules related to the use and payment for drugs prescribed for injured and ill workers.

**Hearing location(s):**

The Department of Labor & Industries  
Tukwila Service Location  
12806 Gateway Drive S  
Tukwila, WA 98168

Date: April 23, 2013 Time: 1:00 p.m.

**Submit written comments to:**

Name: Jami Lifka  
Address: PO Box 44321  
Olympia, WA 98501 **OR**  
e-mail [Jami.Lifka@Lni.wa.gov](mailto:Jami.Lifka@Lni.wa.gov) **OR**  
fax (360) 902-6315  
Written comments must be received no later than 5 p.m.  
April 23, 2013

**Assistance for persons with disabilities:** Contact

TTY at 711 for (360) 902-4941 or (360) 902-4941

**Date of intended adoption:** May 28, 2013

(Note: This is **NOT** the **effective** date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this rulemaking is to ensure safe, appropriate and effective drug therapy designed to improve clinical outcomes and support successful return to work.

The proposed rule language updates the coverage of and payment for prescription drugs and describes specific authorization requirements for the payment of opioids. Authorization requirements are based on best practices for prescribing opioids and will lead to safe and effective treatment for injured and ill workers.

**Reasons supporting proposal:** Washington is among those states with the highest rate of prescription opioid-related deaths in the United States. This now exceeds both motor-vehicle accidents and firearms as the leading cause of injury-related deaths.

**Statutory authority for adoption:** RCW 51.04.020 and RCW 51.04.030

**Statute being implemented:** RCW 51.04.030

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** March 19, 2013

**TIME:** 8:53 AM

**WSR 13-07-058**

**DATE**  
March 19, 2013

**NAME** (type or print)  
Joel Sacks

**SIGNATURE**

**TITLE**  
Director

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

Other professional groups and federal and state regulatory agencies have adopted guidelines and rules related to this topic.

This rulemaking process was initiated, in part, by Engrossed Substitute House Bill 2876 (Chapter 209, Laws of 2010) that directed the Department of Health (DOH) to adopt new rules on chronic, noncancer pain management. L&I, in collaboration with its Industrial Insurance Medical Advisory Committee (IIMAC), has adopted a guideline for prescribing opioids to treat pain in injured workers. The guideline supports the best practices embodied in the DOH pain management rules, the Washington State Agency Medical Directors' Group (AMDG) guidelines, and other federal agencies' recommendations such as the Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC).

**Name of proponent:** Department of Labor & Industries

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting.....Jaymie Mai, PharmD	Pharmacy Manager, Office of the Medical Director	(360) 902-6792
Implementation....Jaymie Mai, PharmD	Pharmacy Manager, Office of the Medical Director	(360) 902-6792
Enforcement.....Vickie Kennedy	Interim Assistant Director, Insurance Services	(360) 902-4997

**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.

The proposed language does not disproportionately impact small businesses. There is no more than a minor cost to businesses in general.

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

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

Name:

Address:

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

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

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

No: Please explain:

The proposed rule language does not impose more than a minor cost on businesses.