



# RULE-MAKING ORDER

**CR-103E (July 2011)**  
**(Implements RCW 34.05.350)**

**Agency:** Department of Labor & Industries

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** Chapter 6, Laws of 2011 amended RCW 51.36.010 to direct the Department of Labor & Industries to establish a statewide medical provider network for treating injured and ill workers. The Department adopted rules in 2012 so that, starting January 1, 2013, only network providers may treat injured workers beyond an initial visit. WAC 296-20-01020 allows providers to be provisionally enrolled while the Department decides on their application, but only for sixty days. The emergency rule will allow providers who applied prior to January 1, 2013, to continue to treat injured workers until their application is approved, denied, or withdrawn; and it removes the sixty-day limit on provisional enrollment until expiration of the emergency rule or until the Department takes further action to change the rule, whichever is first.

**Citation of existing rules affected by this order:**

Repealed: None  
 Amended: WAC 296-20-01020  
 Suspended: None

**Statutory authority for adoption:** RCW 51.36.010, RCW 51.04.020, and RCW 51.04.030.

**Other authority :**

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

**Reasons for this finding:**

The number of applications from medical providers to join the L&I network has exceeded expectations. Nearly 12,000 providers have been approved into the network, but there are more than 5,000 additional applications waiting for final decision. Additional time is needed to review whether these providers meet network standards. Amending the current rule is necessary to avoid disrupting care for patients of providers whose applications were submitted prior to January 1<sup>st</sup> and are currently under review.

**Date adopted:** March 1, 2013

**NAME (TYPE OR PRINT)**  
Joel Sacks

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: March 01, 2013**

**TIME: 3:08 PM**

**WSR 13-06-037**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	<u>1</u>	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	<u>1</u>	Repealed	_____