



# 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 (L&I)

**Subject of possible rule making:**

Chapter 296-14 WAC Industrial Insurance

Chapter 296-20 WAC Medical Aid Rules

Chapter 296-21 WAC Reimbursement Policies: Psychiatric Services, Biofeedback, Physical Medicine

**Statutes authorizing the agency to adopt rules on this subject:** RCW 51.04.020 and RCW 51.04.030

**Reasons why rules on this subject may be needed and what they might accomplish:** In 2013, The American Psychiatric Association released the fifth edition of the *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)*. L&I is considering adopting rules in order to aid in the implementation and consistent use of new DSM versions within Washington's workers' compensation program.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

Many federal and state health care purchasing agencies will use the *DSM-5* for coding diagnoses for mental disorders as referenced in federal HIPAA requirements. Washington's workers' compensation program is not mandated to follow HIPAA requirements, but does so to be consistent with other payors.

In addition, the *DSM-5* represents industry standards for diagnostic criteria for mental disorders. L&I is governed by Title 51 RCW, Washington's Industrial Insurance Act. Implementation of the *DSM-5* must be within the limitations of that 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 L&I's major stakeholders and other interested parties. Major stakeholder groups include, but are not limited to:

- The Industrial Insurance Medical Advisory Committee (IIMAC)
- The Workers' Compensation Advisory Committee (WCAC)
- The Advisory Committee on Health Care Innovation and Evaluation (ACHIEV)

**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.)

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<b>DATE</b> August 5, 2014
<b>NAME (TYPE OR PRINT)</b> Joel Sacks
<b>SIGNATURE</b> 
<b>TITLE</b> Director

<b>CODE REVISER USE ONLY</b>
<div style="border: 1px solid black; padding: 10px;"> <p style="text-align: center;">OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED</p> <p><b>DATE: August 05, 2014</b> <b>TIME: 9:20 AM</b></p> <p><b>WSR 14-16-089</b></p> </div>