



# 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)

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 14-16-089 ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

**Title of rule and other identifying information:** (Describe Subject) Implementation of the *Fifth Edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-5)*.

In 2013, The American Psychiatric Association released the *Fifth Edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-5)*. L&I is proposing to amend rules in order to aid in the implementation and consistent use of new *DSM* versions within Washington State's workers' compensation program.

Amended rules: WAC 296-14-300, WAC 296-20-330, WAC 296-21-270

**Hearing location(s):**

The Department of Labor & Industries  
Tumwater Headquarters Building, S117  
7273 Linderson Way SW  
Tumwater, WA 98501

Date: July 13, 2015 Time: 1:00 p.m.

**Submit written comments to:**

Name: Jami Lifka  
Address: PO Box 44321  
Olympia, WA 98504-4321 **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.  
July 13, 2015

**Assistance for persons with disabilities:** Contact

Jami Lifka by July 1, 2015

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

**Date of intended adoption:** September 1, 2015

(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 limited to changes necessary to implement the *DSM-5* and will include the following:

- Amending existing rules that refer to the *DSM-IV* or its required classification method (axis system) or its assessment instruments, and
- Clarifying how the *DSM-5* is implemented within Title 51 RCW

**Reasons supporting proposal:**

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

**Statutory authority for adoption:** RCW 51.04.020, RCW 51.04.030 and RCW 51.08.142

**Statute being implemented:** RCW 51.04.020, RCW 51.04.030 and RCW 51.08.142

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: June 02, 2015**

**TIME: 8:54 AM**

**WSR 15-12-087**

**DATE**  
June 2, 2015

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

**SIGNATURE**

**TITLE**  
Director

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

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. The proposed rule changes will clarify how the *DSM-5* is implemented within the limitations of that Act. No other state or federal agencies are responsible for interpreting and enforcing the provisions of this Act.

**Name of proponent:** (person or organization) Department of Labor & Industries

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Jami Lifka	Office of the Medical Director	(360) 902-4941
Implementation.... Leah Hole-Marshall	Medical Administrator, Office of the Medical Director	(360) 902-4996
Enforcement..... Vickie Kennedy	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. L&I will not be requiring small businesses to do anything that they will not already be doing. L&I's adoption of the *DSM-5* is consistent with industry standards in the health care provider and payer communities for diagnosing mental disorders and the new bill coding standards included in the *DSM-5* (ICD-10) that will be implemented nationwide October 1, 2015.

**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 is a procedural and interpretive rule that will allow for the consistent use of an updated reference manual for the diagnosis of mental disorders (*DSM-5*). As such, no cost benefit analysis is required. In accordance with RCW 34.05.328(5)(c)(i) and (ii), this rulemaking proposes amending language that pertains to ensuring consistent internal operations of an agency and interprets Washington State's Industrial Insurance Act as it relates to the implementation of the *DSM-5*, the violation of which does not subject a person to a penalty or sanction.