



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 296-20 WAC Medical Aid Rules

Statutes authorizing the agency to adopt rules on this subject: RCW 70.14.120, RCW 51.04.020 and RCW 51.04.030

Reasons why rules on this subject may be needed and what they might accomplish: L&I's current rules related to Structured Intensive Multidisciplinary Programs (SIMP) for chronic, noncancer pain (WAC 296-20-12055 through 296-20-12095) need to be changed. They are now inconsistent with the recent coverage decision made by the Washington State Health Technology Clinical Committee (HTCC) that lumbar fusion for uncomplicated degenerative disc disease (DDD) is not a covered procedure. In addition to this rule change, L&I will be reviewing the best available scientific evidence on the treatment of chronic pain, and will work with clinicians to develop and implement policies regarding new medical coverage decisions, medical treatment guidelines, and/or payment policies about chronic pain management. Program requirements are also contained in the fee schedule. Removing SIMP program requirements from rule will permit L&I to be flexible and efficient when making these changes.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: HTCC made the coverage determination using an open and transparent process after considering the best available scientific evidence, agency utilization data, and public testimony regarding the safety, efficacy and cost-effectiveness of lumbar fusions for uncomplicated DDD. The HTCC made its final coverage determination January 15, 2016. Pursuant to RCW 70.14.120, participating agencies, which includes L&I, must comply with a determination of the HTCC.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

This rulemaking process is being developed partly in response to a final HTCC determination and in compliance with RCW 70.14.120. Rule changes 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),
- Advisory Committee on Healthcare Innovation and Evaluation (ACHIEV), and
- SIMP providers.

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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DATE
May 3, 2016

NAME (TYPE OR PRINT)
Joel Sacks

SIGNATURE

TITLE
Director

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DATE: May 03, 2016

TIME: 11:10 AM

WSR 16-10-085