



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

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

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

Yes

No

If Yes, explain: This rulemaking is in direct response to a non-coverage determination made by the Washington State Health Technology Clinical Committee (HTCC). Pursuant to RCW 70.14.080 and RCW 70.14.120 participating agencies including L&I must comply with an HTCC determination.

Purpose: Lumbar fusion – Structured Intensive Multidisciplinary Program (SIMP) for Chronic Noncancer Pain rulemaking. Repeal all SIMP WACs 296-20-12055, 296-20-12060, 296-20-12065, 296-20-12070, 296-20-12075, 296-20-12080, 296-20-12085, 296-20-12090 and 296-20-12095.

The purpose of this rulemaking is to bring L&I's rules into compliance with a recent non-coverage determination by the HTCC that lumbar fusion for uncomplicated degenerative disc disease (UDDD) is no longer a covered procedure. A previous HTCC determination required lumbar fusion candidates with UDDD to attend a SIMP prior to having surgery. That coverage determination is contained within the SIMP rules and is now inconsistent with this new HTCC non-coverage determination. SIMP program requirements are currently also contained within L&I's fee schedules' payment policies and, other than removing the lumbar fusion for UDDD requirement, will remain in effect when the SIMP rules are repealed.

Citation of existing rules affected by this order:

Repealed: WACs 296-20-12055, 296-20-12060, 296-20-12065, 296-20-12070, 296-20-12075, 296-20-12080, 296-20-12085, 296-20-12090 and 296-20-12095

Amended:

Suspended:

Statutory authority for adoption: RCW 70.14.080, RCW 70.14.120, RCW 51.04.020 and RCW 51.04.030

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR **16-15-075** on **July 19, 2016** (date).

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____

Address: _____ fax () _____

e-mail _____

Date adopted: November 1, 2016

NAME (TYPE OR PRINT)

Joel Sacks

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 01, 2016

TIME: 9:52 AM

WSR 16-22-065

**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:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	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	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	<u>9</u>
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____