



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor and Industries

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 07-01-100 ; 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).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)  
Medical Aid Rules – Conversion Factors and Maximum Daily Fees: WAC 296-20-135, WAC 296-23-220, WAC 296-23-230

Hearing location(s):  
Dept of Labor & Industries  
7273 Linderson Way SW  
Tumwater WA 98501

Date: March 27, 2007 Time: 1:00 PM

Submit written comments to:  
Name: Tom Davis  
Address: PO Box 44322  
Olympia, WA 98504-4322  
e-mail [dato235@LNI.wa.gov](mailto:dato235@LNI.wa.gov)  
fax (360) 902-4249 by (date) April 3, 2007

Assistance for persons with disabilities: Contact  
Tom Davis by March 20, 2007  
TTY (360) 902-5797 or fax (360) 902-4249

Date of intended adoption: May 1, 2007  
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:  
The purpose of the rule is to update the department's payment rates for health care services by:  
1) Changing the conversion factor used to calculate payment levels for services payable through the Resource Based Relative Value Scale (RBRVS) fee schedule; 2) Changing the conversion factor used to calculate payment for anesthesia services; and 3) Increasing the maximum daily payment for physical and occupational therapy.

WAC 296-20-135(2): Increase the RBRVS conversion factor from \$54.22 to \$56.38.  
WAC 296-20-135(3): Increase the anesthesia conversion factor from \$2.97 to \$3.08.  
WAC 296-23-220 and WAC 296-23-230: Increase the maximum daily rate for physical and occupational therapy services from \$109.92 to \$113.84.

Reasons supporting proposal: This rule will provide medical aid updates regarding rate setting for most professional health care services for injured workers.

Statutory authority for adoption:  
RCW 51.04.020 (1) and 51.04.030

Statute being implemented:  
RCW 51.36.080

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:

DATE  
February 20, 2007

NAME (type or print)  
Judy Schurke

SIGNATURE

TITLE Acting Director

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: February 20, 2007  
TIME: 2:32 PM

WSR 07-05-070

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

- 1) Increasing the conversion factors used to calculate maximum payment for services paid with the Resource Based Relative Value Scale (RBRVS) fee schedule;
- 2) Increasing the conversion factor used to calculate maximum payment for anesthesia services; and
- 3) Increasing the maximum daily payment for physical and occupational therapy services.

The conversion factor updates are made in accordance with WAC 296-20-132, Determination of Conversion Factor Adjustments. The anticipated effect of this rule change is to allow injured workers continued access to health care services.

**Name of proponent:** (person or organization)

Department of Labor and Industries

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Tom Davis	Tumwater, WA	(360) 902-6687
Implementation..... Robert Malooly, Assistant Director	Tumwater, WA	(360) 902-4209
Enforcement..... Robert Malooly, Assistant Director	Tumwater, WA	(360) 902-4209

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic 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.

This rule adoption is exempt under RCW 34.05.328 (5) (b), (vi) and RCW 19.85.025 (3).

**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:

RCW 34.05.328 does not apply because the content of this rule is explicitly dictated by statute and fits within the exceptions listed in RCW 34.05.328 (5) (b) (vi).