



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: December 03, 2019

TIME: 11:53 AM

WSR 19-24-087

Agency: Department of Labor & Industries

Subject of possible rule making: Chapter 296-21 WAC, Reimbursement policies: Psychiatric services, biofeedback, physical medicine: Mental health services

Statutes authorizing the agency to adopt rules on this subject: RCW 34.05.313, RCW 51.04.020, and RCW 51.04.030

Reasons why rules on this subject may be needed and what they might accomplish: Labor & Industries' (L&I) rules don't currently allow master's level therapists (MLTs) to treat injured workers. Stakeholders requested L&I change the rules and allow these providers to treat workers for accepted conditions within the providers' scope of practice. L&I decided to initiate a pilot to help determine how MLTs can best be incorporated into the workers' compensation setting.

Under this pilot these current provisions related to treatment by MLTs are waived for pilot participants only. The pilot will begin on January 1, 2020 and the exceptions granted are effective throughout a four-year pilot period or as otherwise specified. Labor & Industries may pay qualified providers participating in the project to deliver appropriate behavioral and mental health interventions to workers with an open workers' compensation claim. Pilot program results, including billing patterns, submission of required documentation, and referrals for further services will be considered in developing final rule language, medical coverage decisions, and/or payment policy. L&I has determined this waiver is in the public interest and necessary to conduct this pilot project.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Labor & Industries is governed by Title 51 RCW, Washington's Industrial Insurance 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)


Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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(If necessary)

Name:
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Additional comments:

Date: December 3, 2019	Signature: 
Name: Joel Sacks	
Title: Director	