

CONCISE EXPLANATORY STATEMENT (CES)

Medical Aid Rules

WAC 296-20-135 Conversion factors.
WAC 296-23-220 Physical Therapy Rules.
WAC 296-23-230 Occupational Therapy Rules.

The date of adoption for this rule: May 18, 2021

The effective date for this rule: July 1, 2021

I. Purpose of rulemaking:

This rule allows the department to carry out its annual update to the conversion factors used to calculate maximum reimbursement levels for services under the Resource Based Relative Value Scale (RBRVS) and anesthesia fee schedules. It also allows the department to update the maximum daily rates for physical and occupational therapies. The department solicits stakeholder comments during the rule making process.

2. Differences between the rule as adopted and the proposed rule:

There were no differences between the rule as adopted and the proposed rule.

3. Comments on proposed rule:

The public comment period for this rulemaking was March 2, 2021 through close of business April 6, 2021.

The public audio/visual (Zoom) hearing was held on April 06, 2021.

The department didn't receive any testimony on the proposed rule changes during the public hearing. One individual from the public did attend the Zoom hearing but didn't testify or submit comments.

Comment:

The department did receive a written email comment dated March 4, 2021 from Joe Martinez of Concentra stating: "Also I just received notice about a proposed decrease in the Conversion Factor from \$64.74 to \$57.90. This does not make sense?".

Response:

The department reviewed the conversion factor decrease and determined it was appropriate and consistent with our Relative Value Unit (RVU) based payment methodology. The department also emailed Mr. Martinez on March 17, 2021 to clarify how L&I calculates its conversion factor.

Comment:

L&I also received a March 17, 2021 email from Greg Gilbert also of Concentra stating that Concentra supported the rule change.

Response:

The department noted Concentra's support of the rule change and took no action.