



# RULE-MAKING ORDER

## PERMANENT RULE ONLY

**CR-103P (December 2017)**  
**(Implements RCW 34.05.360)**

CODE REVISER USE ONLY

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STATE OF WASHINGTON  
FILED

DATE: May 20, 2025

TIME: 9:59 AM

WSR 25-11-071

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

**Effective date of rule:**

**Permanent Rules**

- ☐ 31 days after filing.
- ☒ Other (specify) July 1, 2025 (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:

**Purpose:** L&I is amending rules to implement and to be consistent with House Bill 1197 (chapter 171, Laws of 2023) *Defining attending provider and clarifying other provider functions for workers' compensation claims, and adding psychologists as attending providers for mental health only claims*. HB 1197 adds psychologists (in the case of claims solely for mental health conditions) and physician assistants to the list of providers that can be attending providers. L&I is also amending rules to align with Engrossed Substitute House Bill 2041 (chapter 62, Laws of 2024) *Physician assistant collaborative practice*.

The following are amended: Chapter 296-14 WAC, Industrial Insurance; Chapter 296-19A WAC, Vocational Rehabilitation; Chapter 296-20 WAC, Medical Aid Rules; Chapter 296-21 WAC, Reimbursement Policies: Psychiatric Services, Biofeedback, Physical Medicine; and Chapter 296-23 WAC, Radiology, Radiation Therapy, Nuclear Medicine, Pathology, Hospital, Chiropractic, Physical Therapy, Drugless Therapeutics and Nursing—Drugless Therapeutics, etc.

For example, the amended rules add psychologists in the case of claims solely for mental health conditions, and physician assistants, as attending providers; clarifies language related to attending provider functions when providing a diagnosis of mental health conditions and commenting on return to work issues for accepted mental health conditions. The amended rules consistently uses the term “attending provider” in Title 296 WAC. Housekeeping changes are made for those rules already being amended to refer to “attending providers.” Gender neutral language is used in those same WAC sections.

A summary of the adopted rules to these chapters is as follows:

**Amended sections**

**296-14-410 Reduction, suspension, or denial of compensation as a result of noncooperation.**

- Replaces “attending physician” with “attending provider.”
- Makes a housekeeping change: “self insurer” to “self-insurer.”

**296-14-4129 How will imputed wages be determined?**

- Replaces “attending physician” with “attending provider.”
- Uses gender neutral language: “his certification” to “their certification.”

**296-14-6226 What other information must be submitted to the department in a completed application for a residence modification?**

- Replaces “attending health services provider” with “attending provider.”
- Makes a housekeeping change: “self-insured employer” to “self-insurer.”

**296-14-6230 What will the supervisor consider when approving or denying a residence modification request?**

- Replaces “attending health services provider” with “attending provider.”

**296-14-6236 How is a worker advised that the supervisor has approved or denied the request for residence modification benefits?**

- Replaces “attending health services provider” with “attending provider.”

**296-19A-140 What information must a vocational rehabilitation provider include in a labor market survey?**

- Replaces “attending physician” with “attending provider.”
- Makes a housekeeping change: “provider” to “vocational rehabilitation provider.”
- Makes a housekeeping change: “VRC” to “vocational rehabilitation counselor.”

**296-20-01002 Definitions “Acceptance/accepted condition”**

- Adds language to require use of the edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) designated by the department when diagnosing mental health conditions.

- Amends language for consistency with other rules in Title 296 WAC: “claimant’s medical condition” to “worker’s medical condition.”
- 296-20-01002 Definitions “Attending provider”**
- Adds “psychologist in the case of claims solely for mental health conditions, and physician assistant.”
- 296-20-01002 Definitions “Attending provider report”**
- Adds language to require use of the edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) designated by the department when diagnosing mental health conditions.
  - Clarifies return to work language for an accepted mental health condition: “If the worker is unable to return to work due to an accepted mental health condition, a provider’s estimate of functional status and barriers to work should be included with the report. If further information is needed or required, a mental health evaluation from an approved mental health provider can be requested.
  - Replaces “attending doctor” with “attending provider.”
- 296-20-01002 Definitions “Consultation examination report”**
- Adds language to require use of the edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) designated by the department when diagnosing mental health conditions.
  - Replaces “attending doctor” with “attending provider.”
  - Amends language for consistency with other rules in Title 296 WAC: “patient’s” to “worker’s.”
  - Makes a housekeeping: “which may effect” to “that may affect.”
- 296-20-01002 Definitions “Doctor”**
- Deletes “attending doctor” from the title to be consistent with the use of the term “attending provider” in HB 1197.
- 296-20-01002 Definitions “Fatal”**
- Replaces “attending doctor” with “attending provider.”
  - Replaces “doctor” with “provider.”
- 296-20-01002 Definitions “Fee schedules (also called maximum fee scheduled)”**
- Adds language for clarity: “Level I (Current Procedural Terminology CPT®) and Level II (HCPCS).”
- 296-20-01002 Definitions “Initial visit”**
- Uses the current title for the Report of Accident: Report of Accident (Workplace Injury, Accident, or Occupational Disease).
- 296-20-01002 Definitions “Modified work status”**
- Clarifies return to work language for an accepted mental health condition: For an accepted mental health condition, workers should be urged to return to modified work as soon as reasonable considering the ability to engage in modified work, which may include relevant accommodations.
  - Replaces “attending doctor” with “attending provider.”
  - Replaces “doctor” with “attending provider.”
  - Makes a housekeeping: “self confidence” to self-confidence.”
- 296-20-01002 Definitions “Physician”**
- Deletes “attending physician” from the title to be consistent with the use of the term “attending provider” in HB 1197.
- 296-20-01002 Definitions “Practitioner”**
- Amends language to reflect the broad use of the term “practitioner” in Title 296 WAC. “For these rules, means any person defined as an attending provider or other licensed health care provider authorized to deliver services under Title 51 RCW.”
  - Removes “or licensed health care provider” from the title as it is a term that is not used anywhere else in Title 296 WAC.
  - Replaces “doctor” with “attending provider.”
- 296-20-01002 Definitions “Proper and necessary”**
- Replaces “attending doctor” with “attending provider.”
  - Replaces “doctor” with “provider.”
  - Amends language for consistency with other rules in Title 296 WAC: “claimant” to “worker” and “claimant’s attending doctor” to “worker’s attending provider.”
  - Makes a housekeeping change: “which” to “that.”
- 296-20-01002 Definitions “Regular work status”**
- Clarifies that the attending provider should consider mood, behavioral, and/or cognitive factors for an accepted mental health condition when determining whether the worker is released to return to regular work.
  - Replaces “attending doctor” with “attending provider.”
  - Uses gender neutral language: “his/her regular work” to “their regular work.”
- 296-20-01002 Definitions “Temporary partial disability”**
- Replaces “attending doctor” with “attending provider.”
  - Amends language for consistency with other rules in Title 296 WAC: “time loss” to “time-loss.”
- 296-20-01002 Definitions “Termination of treatment”**
- Amends language for consistency with other rules in Title 296 WAC: “patient” to “worker.”
- 296-20-01002 Definitions “Total permanent disability”**
- Replaces “attending doctor” with “attending provider.”

<b>296-20-01002</b>	<b>Definitions</b> "Total temporary disability"
	<ul style="list-style-type: none"> <li>Amends language for consistency with other rules in Title 296 WAC: "full-time loss" to "full time-loss."</li> </ul>
<b>296-20-01002</b>	<b>Definitions</b> "Treating provider"
	<ul style="list-style-type: none"> <li>Adds psychologists.</li> </ul>
<b>296-20-01002</b>	<b>Definitions</b> "Utilization review"
	<ul style="list-style-type: none"> <li>Amends language for consistency with other rules in Title 296 WAC: "claimant's medical care" to "worker's medical care."</li> </ul>
<b>296-20-01010</b>	<b>Scope of health care provider network</b>
	<ul style="list-style-type: none"> <li>Adds "psychologists" to the list of providers that must be in the Medical Provider Network.</li> <li>Amends language for consistency with other rules in Title 296 WAC: "self-insured employers" to "self-insurers."</li> <li>Uses gender neutral language: "his/her" to "their."</li> </ul>
<b>296-20-01501</b>	<b>Physician assistant rules</b>
	<ul style="list-style-type: none"> <li>Clarifies that physician assistants can be attending providers.</li> <li>Aligns with Engrossed Substitute House Bill 2041 (chapter 62, Laws of 2024) by clarifying that physician assistants treat under a collaboration agreement with a physician(s).</li> <li>Uses the current title for the Report of Accident: Report of Accident (Workplace Injury, Accident, or Occupational Disease).</li> <li>Makes a housekeeping change: "which" to "that."</li> </ul>
<b>296-20-020</b>	<b>Acceptance of rules and fees</b>
	<ul style="list-style-type: none"> <li>Replaces "doctor" with "provider."</li> <li>Replaces "that physician" with "that provider."</li> <li>Uses the current title for the Report of Accident: Report of Accident (Workplace Injury, Accident, or Occupational Disease).</li> <li>Deletes the reference to the Washington State Medical Association's Utilization Review committee as it no longer exists.</li> <li>Uses gender neutral language: "his" to "their."</li> </ul>
<b>296-20-030</b>	<b>Treatment not requiring authorization for accepted conditions</b>
	<ul style="list-style-type: none"> <li>Replaces "attending doctor" with "attending provider."</li> <li>Amends language for consistency with other rules in Title 296 WAC: "claimant" to "worker."</li> <li>Uses gender neutral language: "his" to "their."</li> </ul>
<b>296-20-03001</b>	<b>Treatment requiring authorization</b>
	<ul style="list-style-type: none"> <li>Replaces "attending doctor" with "attending provider."</li> <li>Amends language for consistency with other rules in Title 296 WAC: "patient" to "worker."</li> <li>Makes housekeeping changes: "long term" to "long-term" and "which" to "that."</li> </ul>
<b>296-20-035</b>	<b>Treatment in cases that remain open beyond 60 days</b>
	<ul style="list-style-type: none"> <li>Replaces "attending doctor" with "attending provider."</li> <li>Makes a housekeeping change: "time loss" to "time-loss."</li> </ul>
<b>296-20-055</b>	<b>Limitation of treatment and temporary treatment of unrelated conditions when retarding recovery</b>
	<ul style="list-style-type: none"> <li>Replaces "attending doctor" with "attending provider."</li> <li>Amends language for consistency with other rules in Title 296 WAC: "claimant" to "worker."</li> <li>Uses gender neutral language: "his" to "their" and "his industrial condition" to "that industrial condition."</li> </ul>
<b>296-20-06101</b>	<b>What reports are health care providers required to submit to the department or self-insurer?</b>
	<ul style="list-style-type: none"> <li>Amends the introduction to the table to define provider acronyms used in the table (e.g. "psychologist (PhD/PsD).</li> <li>Adds psychologists to the list of providers that can complete the following forms (1) Report of Accident (Workplace Injury, Accident or Occupational Disease), (2) Self-insurance: Provider's Initial Report, and (3) Application to reopen claim due to worsening of condition.</li> <li>Uses the current title for the Report of Accident: Report of Accident (Workplace Injury, Accident, or Occupational Disease).</li> <li>Adds and amends language on diagnosing mental health conditions and return to work criteria to be consistent with the amended "Attending Provider Report" and the amended "Consultation Examination Report" in WAC 296-20-01002 <i>Definitions</i>.</li> <li>Replaces "attending or treating provider" with "attending provider."</li> <li>Replaces "doctor" with "provider."</li> <li>Makes housekeeping changes: "Insurer" to "department or self-insurer," "Head Injury Program" to "Brain Injury Program," and "Speech Therapist" to "Speech Language Pathologist."</li> </ul>
<b>296-20-071</b>	<b>Concurrent treatment</b>
	<ul style="list-style-type: none"> <li>Replaces "attending doctor" with "attending provider."</li> <li>Makes a housekeeping change: "time loss" to "time-loss."</li> </ul>
<b>296-20-09701</b>	<b>Request for reconsideration</b>
	<ul style="list-style-type: none"> <li>Replaces "attending doctor" with "attending provider."</li> <li>Replaces "doctor" with "attending provider."</li> <li>Amends language for consistency with other rules in Title 296 WAC: "claimant's" to "worker's."</li> </ul>

	<ul style="list-style-type: none"> <li>• Uses gender neutral language: “his request for reconsideration” to “a request for reconsideration.”</li> </ul>
<b>296-20-1102</b>	<b>Special equipment rental and purchase prosthetic and orthotics equipment</b>
	<ul style="list-style-type: none"> <li>• Replaces “attending doctor” with “attending provider.”</li> <li>• Replaces “prescribing doctor” with “prescribing provider.”</li> <li>• Makes a housekeeping change: “long term” to “long-term.”</li> <li>• Use gender neutral language: “reimburse the doctor his cost for the item” to “reimburse the provider for their cost for the item.”</li> </ul>
<b>296-20-121</b>	<b>X-rays</b>
	<ul style="list-style-type: none"> <li>• Replaces “attending doctor” with “attending provider.”</li> <li>• Replaces “doctor’s” with “provider’s.”</li> <li>• Uses gender neutral language: “his” to “their.”</li> </ul>
<b>296-20-200</b>	<b>General information for impairment rating examinations by attending providers, consultants or independent medical examination (IME) providers</b>
	<ul style="list-style-type: none"> <li>• Replaces “attending doctor” with “attending provider” in the title.</li> </ul>
<b>296-20-2010</b>	<b>General rules for impairment rating examinations by attending providers and consultants.</b>
	<ul style="list-style-type: none"> <li>• Replaces “attending doctor” with “attending provider” in the title and the body of this WAC.</li> <li>• Replaces “doctors” with “providers.”</li> <li>• Replaces “doctors” with “attending providers and consultants.”</li> <li>• The language in subsection (1) still limits impairment ratings to providers currently licensed in both medicine and surgery (including osteopathic and podiatrice) or dentistry, and department-approved chiropractors. This applies to attending providers and consultants.</li> <li>• Amends subsection (1) for clarity.</li> <li>• Amends language for consistency with other rules in Title 296 WAC: “patient” to “worker.”</li> </ul>
<b>296-20-2015</b>	<b>What rating systems are used for determining an impairment rating conducted by the attending provider or a consultant?</b>
	<ul style="list-style-type: none"> <li>• Replaces “attending doctor” with “attending provider” in the title.</li> </ul>
<b>296-20-2025</b>	<b>May a worker bring someone with them to an impairment rating examination conducted by the attending provider or a consultant?</b>
	<ul style="list-style-type: none"> <li>• Replaces “attending doctor” with “attending provider” in the title and the body of this WAC.</li> </ul>
<b>296-20-2030</b>	<b>May the worker videotape or audiotape the impairment rating examination conducted by the attending provider or a consultant?</b>
	<ul style="list-style-type: none"> <li>• Replaces “attending doctor” with “attending provider” in the title.</li> </ul>
<b>296-21-290</b>	<b>Physical medicine</b>
	<ul style="list-style-type: none"> <li>• Replaces “attending doctor” with “attending provider.”</li> <li>• Amends language for consistency with other rules in Title 296 WAC: “patient” to “worker.”</li> </ul>
<b>296-23-140</b>	<b>Custody of X-rays</b>
	<ul style="list-style-type: none"> <li>• Replaces “attending doctor” with “attending provider.”</li> <li>• Replaces “doctor” with “provider.”</li> <li>• Makes a housekeeping change: “doctor’s office” to “provider’s office.”</li> </ul>
<b>296-23-145</b>	<b>Duplication of X-rays and extra views</b>
	<ul style="list-style-type: none"> <li>• Replaces “attending doctor” with “attending provider.”</li> </ul>
<b>296-23-165</b>	<b>Miscellaneous services and applications</b>
	<ul style="list-style-type: none"> <li>• Replaces “attending doctor” with “attending provider.”</li> <li>• Replaces “worker’s doctor” with “worker’s provider.”</li> <li>• Replaces “prescribing doctor’s” with “prescribing provider’s.”</li> </ul>
<b>296-23-205</b>	<b>General instructions – Naturopathic physicians</b>
	<ul style="list-style-type: none"> <li>• Replaces “attending doctor” with “attending provider.”</li> </ul>
<b>296-23-240</b>	<b>Licensed nursing rules</b>
	<ul style="list-style-type: none"> <li>• Replaces “attending physician” with “attending provider.”</li> </ul>
<b>296-23-241</b>	<b>Advanced registered nurse practitioners</b>
	<ul style="list-style-type: none"> <li>• Amends language for clarity and refers to applicable rules in Title 296 WAC.</li> <li>• Uses the current title for the Report of Accident: Report of Accident (Workplace Injury, Accident, or Occupational Disease).</li> </ul>
<b>296-23-246</b>	<b>Attendant services</b>
	<ul style="list-style-type: none"> <li>• Replaces “attending physician” with “attending provider.”</li> <li>• Uses gender neutral language: “his or her” to “their.”</li> </ul>
<b>296-23-250</b>	<b>Massage therapy rules</b>
	<ul style="list-style-type: none"> <li>• Replaces “attending doctor” with “attending provider.”</li> <li>• Removes language on physician assistants ordering massage. Physican assistants will be attending providers per HB 1197 so this language is not needed.</li> </ul>
<b>296-23-302</b>	<b>Definitions</b> - Approved independent medical examination (IME) provider, Direct patient care, Medical director, Patient related services

- Replaces “treating/attending doctors” with “attending providers.”
- Replaces “licensed doctor” with “licensed provider.”
- Amends language for consistency with other rules in Title 296 WAC: “patient” to “worker.”
- Uses gender neutral language: “his or her” to “their.”

**296-23-347 What are the independent medical examination (IME) provider's responsibilities in an examination?**

- Replaces “attending doctor” with “attending provider.”
- Amends language for consistency with other rules in Title 296 WAC: “self-insured employer” to “self-insurer.”
- Uses gender neutral language: “himself or herself” to “themselves” and “he/she” to “they.”

**296-23-377 If an independent medical examination (IME) provider is asked to do an impairment rating examination only, what information must be included in the report?**

- Replaces “attending doctor” with “attending provider.”

**Citation of rules affected by this order:**

New:

Repealed:

Amended: WAC 296-14-410, 296-14-4129, 296-14-6226, 296-14-6230, 296-14-6236, 296-19A-140, 296-20-01002, 296-20-01010, 296-20-01501, 296-20-020, 296-20-030, 296-20-03001, 296-20-035, 296-20-055, 296-20-06101, 296-20-071, 296-20-09701, 296-20-1102, 296-20-121, 296-20-200, 296-20-2010, 296-20-2015, 296-20-2025, 296-20-2030, 296-21-290, 296-23-140, 296-23-145, 296-23-165, 296-23-205, 296-23-240, 296-23-241, 296-23-246, 296-23-250, 296-23-302, 296-23-347, and 296-23-377.

Suspended:

**Statutory authority for adoption:** RCW 51.04.020, 51.04.030, and 51.36.010

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 25-03-115 on January 21, 2025 (date).

Describe any changes other than editing from proposed to adopted version: The definition of “regular work status” in WAC 296-20-01002 *Definitions* has a minor change.

**Proposed:** The ~~((injured))~~ worker is ~~((physically))~~ capable of returning to ~~((his/her))~~ their regular work from physical, cognitive, emotional, and behavioral standpoints. It is the duty of the attending ~~((doctor))~~ provider to notify the worker and the department or self-insurer, as the case may be, of the specific date of release to return to regular work. Compensation will be terminated on the release date. Further treatment can be allowed as requested by the attending ~~((doctor))~~ provider if the condition is not stationary and such treatment is needed and otherwise in order.

**Adopted:** The ~~((injured))~~ worker is physically capable of returning to ~~((his/her))~~ their regular work. For an accepted mental health condition, the provider should consider mood, behavioral, and/or cognitive factors. It is the duty of the attending ~~((doctor))~~ provider to notify the worker and the department or self-insurer, as the case may be, of the specific date of release to return to regular work. Compensation will be terminated on the release date. Further treatment can be allowed as requested by the attending ~~((doctor))~~ provider if the condition is not stationary and such treatment is needed and otherwise in order.

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

Name: Jami Lifka, Administrative Regulations Analyst

Address: Department of Labor & Industries

Insurance Services/Office of the Medical Director

PO Box 44321

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Web site: <https://www.lni.wa.gov/rulemaking-activity>

Other:

**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	<u>36</u>	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 on 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	_____
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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	_____

**Date Adopted:** May 20, 2025

**Name:** Joel Sacks

**Title:** Director

**Signature:**

