



PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: September 05, 2017

TIME: 10:47 AM

WSR 17-18-076

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

Subject of possible rule making:

- Chapter 296-20 WAC Medical Aid Rules,
- Chapter 296-23 WAC Radiology, radiation therapy, nuclear medicine, pathology, hospital, chiropractic, physical therapy, drugless therapeutics and nursing – Drugless therapeutics, etc.
- Acupuncture

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

Reasons why rules on this subject may be needed and what they might accomplish: L&I has reviewed the best available scientific and clinical evidence related to the efficacy of acupuncture for treating low back pain. Based on this review, L&I has decided to initiate a pilot that would help determine how acupuncture treatment could best be incorporated into the workers' compensation setting. Current rules state that the department or self-insurer will not allow nor pay for acupuncture (WAC 296-20-03002). Additionally, the department or self-insurer will not pay for services performed by Acupuncturists (WAC 296-20-01505).

Under this pilot, these current provisions related to acupuncture treatment and acupuncturists will be waived only for pilot participants. The pilot will begin October 1, 2017 and will continue throughout a two-year period or as otherwise specified. Pilot program results will be considered in developing proposed rule language, medical coverage decisions and/or payment policy. L&I has determined that such a 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: L&I 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:

	(If necessary)
Name: Jami Lifka, Medical Program Specialist	Name:
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Web site: www.Lni.wa.gov	Web site:
Other:	Other:

Additional comments: For information related to the pilot program requirements and how to participate in the pilot, please contact Zachary Gray at (360) 902-5025 or Zachary.Gray@Lni.wa.gov. You can also subscribe to the acupuncture pilot LISTSERV at <http://lni.wa.gov/Main/Listservs/LNI-Acupuncture.asp>. Additional information can be found on the Acupuncture Pilot website at www.Lni.wa.gov/Acupuncturepilot

Date: September 5, 2017

Name: Joel Sacks

Title: Director

Signature:

