
SENATE BILL 5290

State of Washington 60th Legislature 2007 Regular Session

By Senators Keiser, Kohl-Welles and Clements; by request of
Department of Labor & Industries

Read first time 01/16/2007. Referred to Committee on Labor,
Commerce, Research & Development.

1 AN ACT Relating to industrial insurance medical and chiropractic
2 advisory committees for the department of labor and industries; and
3 adding new sections to chapter 51.36 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.36 RCW
6 to read as follows:

7 (1) The department may establish an industrial insurance medical
8 advisory committee. The industrial insurance medical advisory
9 committee shall advise the department on matters related to the
10 provision of safe, effective, and cost-effective treatments for injured
11 workers, including but not limited to the development of practice
12 guidelines and coverage criteria, review of coverage decisions and
13 technology assessments, review of medical programs, and review of rules
14 pertaining to health care issues. The industrial insurance medical
15 advisory committee may provide peer review and advise and assist the
16 department in the resolution of controversies, disputes, and problems
17 between the department and the providers of medical care. The
18 committee must consider the best available scientific evidence and

1 expert opinion of committee members. The department may hire any
2 expert or service or create an ad hoc committee, group, or subcommittee
3 it deems necessary to fulfill the purposes of the committee.

4 (2) The industrial insurance medical advisory committee is composed
5 of up to twelve members appointed by the director. The director must
6 consider nominations from statewide clinical groups, specialties, and
7 associations, including but not limited to the following: Family or
8 general practice, orthopedics, neurology, neurosurgery, general
9 surgery, physical medicine and rehabilitation, psychiatry, internal
10 medicine, osteopathic, and occupational medicine. At least two members
11 must be physicians who are recognized for expertise in evidence-based
12 medicine.

13 (3) The members of the advisory committee, including hired experts
14 and any ad hoc group or subcommittee: (a) Are immune from civil
15 liability for any official acts performed in good faith to further the
16 purposes of the committee; and (b) may be compensated for participation
17 in the work of the committee in accordance with a personal services
18 contract to be executed after appointment and before commencement of
19 activities related to the work of the committee.

20 (4) The members of the advisory committee shall disclose all
21 potential financial conflicts of interest including contracts with or
22 employment by a manufacturer, provider, or vendor of health
23 technologies, drugs, medical devices, diagnostic tools, or other
24 medical services during their term or for eighteen months before their
25 appointment. As a condition of appointment, each person must agree to
26 the terms and conditions regarding conflicts of interest as determined
27 by the director.

28 (5) The advisory committee shall meet at the times and places
29 designated by the director and hold meetings during the year as
30 necessary to provide advice to the director. Meetings of the committee
31 are subject to chapter 42.30 RCW, the open public meetings act.

32 (6) The advisory committee shall coordinate with the state health
33 technology assessment program and state prescription drug program as
34 necessary. As provided by RCW 70.14.100 and 70.14.050, the decisions
35 of the state health technology assessment program and those of the
36 state prescription drug program hold greater weight than decisions made
37 by the department's industrial insurance medical advisory committee
38 under Title 51 RCW.

1 (7) Neither the advisory committee nor any group is an agency for
2 purposes of chapter 34.05 RCW.

3 (8) The department shall provide administrative support to the
4 committee and adopt rules to carry out the purposes of this section.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 51.36 RCW
6 to read as follows:

7 (1) The department may establish an industrial insurance
8 chiropractic advisory committee. The industrial insurance chiropractic
9 advisory committee shall advise the department on matters related to
10 the provision of safe, effective, and cost-effective chiropractic
11 treatments for injured workers. The industrial insurance chiropractic
12 advisory committee may provide peer review and advise and assist the
13 department in the resolution of controversies, disputes, and problems
14 between the department and the providers of chiropractic care.

15 (2) The industrial insurance chiropractic advisory committee is
16 composed of up to nine members appointed by the director. The director
17 must consider nominations from recognized statewide chiropractic groups
18 such as the Washington state chiropractic association. At least two
19 members must be chiropractors who are recognized for expertise in
20 evidence-based practice or occupational health.

21 (3) The members of the advisory committee and any ad hoc group or
22 subcommittee: (a) Are immune from civil liability for any official
23 acts performed in good faith to further the purposes of the committee;
24 and (b) may be compensated for participation in the work of the
25 committee in accordance with a personal services contract to be
26 executed after appointment and before commencement of activities
27 related to the work of the committee.

28 (4) The members of the advisory committee shall disclose all
29 potential financial conflicts of interest including contracts with or
30 employment by a manufacturer, provider, or vendor of health
31 technologies, drugs, medical devices, diagnostic tools, or other
32 medical services during their term or for eighteen months before their
33 appointment. As a condition of appointment, each person must agree to
34 the terms and conditions regarding conflicts of interest as determined
35 by the director.

36 (5) The advisory committee shall meet at the times and places

1 designated by the director and hold meetings during the year as
2 necessary to provide advice to the director. Meetings of the committee
3 are subject to chapter 42.30 RCW, the open public meetings act.

4 (6) The advisory committee shall coordinate with the state health
5 technology assessment program and state prescription drug program as
6 necessary. As provided by RCW 70.14.100 and 70.14.050, the decisions
7 of the state health technology assessment program and those of the
8 state prescription drug program hold greater weight than decisions made
9 by the department's industrial insurance chiropractic advisory
10 committee under Title 51 RCW.

11 (7) Neither the advisory committee nor any group is an agency for
12 purposes of chapter 34.05 RCW.

13 (8) The department shall provide administrative support to the
14 committee and adopt rules to carry out the purposes of this section.

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