SUBSTITUTE HOUSE BILL 2822

Chapter 230, Laws of 1998

55th Legislature
1998 Regular Session

MEDICAL DECISIONS BY THE DEPARTMENT OF LABOR AND INDUSTRIES--
EXEMPTION FROM RULE-MAKING REGULATIONS

EFFECTIVE DATE: 6/11/98

Passed by the House February 13, 1998
Yeas 95  Nays 1

Passed by the Senate March 4, 1998
Yeas 46  Nays 0

CERTIFICATE
I, Timothy A. Martin, Chief Clerk of
the House of Representatives of the State of Washington, do hereby certify
that the attached is SUBSTITUTE HOUSE BILL 2822 as passed by the House of
Representatives and the Senate on the dates hereon set forth.

BRAD OWEN  
President of the Senate

GARY LOCKE  
Governor of the State of Washington

TIMOTHY A. MARTIN  
Chief Clerk

Secretary of State
State of Washington

Certified March 30, 1998 - 3:09 p.m.
AN ACT Relating to exempting department of labor and industries’ medical coverage decisions from rule-making requirements; and amending RCW 51.04.030.

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

Sec. 1. RCW 51.04.030 and 1997 c 325 s 2 are each amended to read as follows:

(1) The director shall supervise the providing of prompt and efficient care and treatment, including care provided by physician assistants governed by the provisions of chapters 18.57A and 18.71A RCW, acting under a supervising physician, and including chiropractic care, to workers injured during the course of their employment at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and adopt and supervise the administration of printed forms, rules, regulations, and practices for the furnishing of such care and treatment: PROVIDED, That the medical coverage decisions of the department do not constitute a "rule" as used in RCW 34.05.010(16), nor
are such decisions subject to the rule-making provisions of chapter
34.05 RCW except that criteria for establishing medical coverage
decisions shall be adopted by rule after consultation with the workers’
compensation advisory committee established in RCW 51.04.110: PROVIDED
FURTHER, That((,)) the department may recommend to an injured worker
particular health care services and providers where specialized
treatment is indicated or where cost effective payment levels or rates
are obtained by the department: AND PROVIDED FURTHER, That the
department may enter into contracts for goods and services including,
but not limited to, durable medical equipment so long as state-wide
access to quality service is maintained for injured workers.

(2) The director shall, in consultation with interested persons,
establish and, in his or her discretion, periodically change as may be
necessary, and make available a fee schedule of the maximum charges to
be made by any physician, surgeon, chiropractor, hospital, druggist,
physicians’ assistants as defined in chapters 18.57A and 18.71A RCW,
acting under a supervising physician or other agency or person
rendering services to injured workers. The department shall coordinate
with other state purchasers of health care services to establish as
much consistency and uniformity in billing and coding practices as
possible, taking into account the unique requirements and differences
between programs. No service covered under this title, including
services provided to injured workers, whether aliens or other injured
workers, who are not residing in the United States at the time of
receiving the services, shall be charged or paid at a rate or rates
exceeding those specified in such fee schedule, and no contract
providing for greater fees shall be valid as to the excess. The
establishment of such a schedule, exclusive of conversion factors, does
not constitute "agency action" as used in RCW 34.05.010((3)), nor does
such a fee schedule constitute a "rule" as used in RCW
34.05.010((15)) (16).

(3) The director or self-insurer, as the case may be, shall make a
record of the commencement of every disability and the termination
thereof and, when bills are rendered for the care and treatment of
injured workers, shall approve and pay those which conform to the
adopted rules, regulations, established fee schedules, and practices of
the director and may reject any bill or item thereof incurred in
violation of the principles laid down in this section or the rules,
regulations, or the established fee schedules and rules and regulations
adopted under it.

Passed the House February 13, 1998.
Passed the Senate March 4, 1998.
Approved by the Governor March 30, 1998.
Filed in Office of Secretary of State March 30, 1998.