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HOUSE BILL 2383

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State of Washington

64th Legislature

2016 Regular Session

By Representatives Reykdal, Ormsby, Jinkins, Appleton, Stanford, Gregerson, McBride, and Santos

Read first time 01/12/16. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to establishing acupuncture as an authorized  
2 treatment for injured workers; and amending RCW 51.04.030.

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

4 **Sec. 1.** RCW 51.04.030 and 2011 c 290 s 1 are each amended to  
5 read as follows:

6 (1) The director shall supervise the providing of prompt and  
7 efficient care and treatment, including care provided by physician  
8 assistants governed by the provisions of chapters 18.57A and 18.71A  
9 RCW, acting under a supervising physician, including chiropractic  
10 care, and including care provided by licensed advanced registered  
11 nurse practitioners, to workers injured during the course of their  
12 employment at the least cost consistent with promptness and  
13 efficiency, without discrimination or favoritism, and with as great  
14 uniformity as the various and diverse surrounding circumstances and  
15 locations of industries will permit and to that end shall, from time  
16 to time, establish and adopt and supervise the administration of  
17 printed forms, rules, regulations, and practices for the furnishing  
18 of such care and treatment: PROVIDED, That the medical coverage  
19 decisions of the department do not constitute a "rule" as used in RCW  
20 34.05.010(16), nor are such decisions subject to the rule-making  
21 provisions of chapter 34.05 RCW except that criteria for establishing

1 medical coverage decisions shall be adopted by rule after  
2 consultation with the workers' compensation advisory committee  
3 established in RCW 51.04.110: PROVIDED FURTHER, That the department  
4 may recommend to an injured worker particular health care services  
5 and providers where specialized treatment is indicated or where cost  
6 effective payment levels or rates are obtained by the department: AND  
7 PROVIDED FURTHER, That the department may enter into contracts for  
8 goods and services including, but not limited to, durable medical  
9 equipment so long as statewide access to quality service is  
10 maintained for injured workers.

11 (2) By January 1, 2017, the director shall adopt policies and  
12 rules, as appropriate, under which acupuncture is an approved  
13 treatment and East Asian medicine practitioners are providers under  
14 this title.

15 (3) The director shall, in consultation with interested persons,  
16 establish and, in his or her discretion, periodically change as may  
17 be necessary, and make available a fee schedule of the maximum  
18 charges to be made by any physician, surgeon, chiropractor, hospital,  
19 druggist, licensed advanced registered nurse practitioner,  
20 physicians' assistants as defined in chapters 18.57A and 18.71A RCW,  
21 acting under a supervising physician or other agency or person  
22 rendering services to injured workers. The department shall  
23 coordinate with other state purchasers of health care services to  
24 establish as much consistency and uniformity in billing and coding  
25 practices as possible, taking into account the unique requirements  
26 and differences between programs. No service covered under this  
27 title, including services provided to injured workers, whether aliens  
28 or other injured workers, who are not residing in the United States  
29 at the time of receiving the services, shall be charged or paid at a  
30 rate or rates exceeding those specified in such fee schedule, and no  
31 contract providing for greater fees shall be valid as to the excess.  
32 The establishment of such a schedule, exclusive of conversion  
33 factors, does not constitute "agency action" as used in RCW  
34 34.05.010(3), nor does such a fee schedule and its associated billing  
35 or payment instructions and policies constitute a "rule" as used in  
36 RCW 34.05.010(16).

37 ~~((3))~~ (4) The director or self-insurer, as the case may be,  
38 shall make a record of the commencement of every disability and the  
39 termination thereof and, when bills are rendered for the care and  
40 treatment of injured workers, shall approve and pay those which

1 conform to the adopted rules, regulations, established fee schedules,  
2 and practices of the director and may reject any bill or item thereof  
3 incurred in violation of the principles laid down in this section or  
4 the rules, regulations, or the established fee schedules and rules  
5 and regulations adopted under it.

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