

WSR 24-19-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed September 17, 2024, 8:24 a.m.]

Subject of Possible Rule Making: Updating attending providers and adding psychologists in claims solely for mental health conditions. Chapter 296-14 WAC, Industrial insurance; chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations; chapter 296-16 WAC, Employer—Worker reemployment incentives; chapter 296-19A WAC, Vocational rehabilitation; chapter 296-20 WAC, Medical aid rules; chapter 296-21 WAC, Reimbursement policies: Psychiatric services, biofeedback, physical medicine; chapter 296-23 WAC, Radiology, radiation therapy, nuclear medicine, pathology, hospital, chiropractic, physical therapy, drugless therapeutics and nursing—drugless therapeutics, etc.; and chapter 296-23A WAC, Hospitals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to implement HB 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. The department of labor and industries (L&I) intends to add psychologists in the case of claims solely for mental health conditions, and physician assistants, to the definition of "attending provider" in WAC 296-20-01002. Additional amendments under consideration include within WAC 296-20-01002 and to other workers' compensation WAC for clarity and to be consistent with the bill. Terms such as "attending provider" will be used consistently in multiple workers' compensation rule chapters within Title 296 WAC.

L&I is also considering amending WAC 296-20-01501 to align language with ESHB 2041 (chapter 62, Laws of 2024) Physician assistant collaborative practice, and the department of health, Washington medical commissions' corresponding rule updates to chapter 246-918 WAC. ESHB 2041 authorizes physician assistants to engage in a collaborative practice where a written agreement describes the manner in which the physician assistant is supervised by or collaborates with at least one physician.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The public may also participate by providing written comments and/or testimony during the public comment process after amendments are proposed. Public hearings will be held during that period.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jami Lifka, L&I, Office of the Medical Director, P.O. Box 44321, Olympia, WA 98504-4321, fax 360-902-6315, email Jami.Lifka@lni.wa.gov.

Additional comments: For more information on L&I rule making, visit the Rulemaking Activity web page at <https://www.lni.wa.gov/rulemaking-activity/>.

September 17, 2024
Joel Sacks

