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**SUBSTITUTE SENATE BILL 6724**

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**State of Washington 57th Legislature**

**2002 Regular Session**

**By** Senate Committee on Labor, Commerce & Financial Institutions  
(originally sponsored by Senators Keiser, Long, Thibaudeau, Prentice,  
Roach and Kohl-Welles)

READ FIRST TIME 02/08/2002.

1 AN ACT Relating to mental health professionals under industrial  
2 insurance; amending RCW 51.04.030; and providing an effective date.

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

4 **Sec. 1.** RCW 51.04.030 and 1998 c 230 s 1 are each amended to read  
5 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, (~~and~~) including  
10 chiropractic care, and care provided by a mental health professional  
11 licensed under Title 18 RCW upon referral by an attending physician, to  
12 workers injured during the course of their employment at the least cost  
13 consistent with promptness and efficiency, without discrimination or  
14 favoritism, and with as great uniformity as the various and diverse  
15 surrounding circumstances and locations of industries will permit and  
16 to that end shall, from time to time, establish and adopt and supervise  
17 the administration of printed forms, rules, regulations, and practices  
18 for the furnishing of such care and treatment: PROVIDED, That the  
19 medical coverage decisions of the department do not constitute a "rule"

1 as used in RCW 34.05.010(16), nor are such decisions subject to the  
2 rule-making provisions of chapter 34.05 RCW except that criteria for  
3 establishing medical coverage decisions shall be adopted by rule after  
4 consultation with the workers' compensation advisory committee  
5 established in RCW 51.04.110: PROVIDED FURTHER, That the department  
6 may recommend to an injured worker particular health care services and  
7 providers where specialized treatment is indicated or where cost  
8 effective payment levels or rates are obtained by the department: AND  
9 PROVIDED FURTHER, That the department may enter into contracts for  
10 goods and services including, but not limited to, durable medical  
11 equipment so long as state-wide access to quality service is maintained  
12 for injured workers.

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

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

1 regulations, or the established fee schedules and rules and regulations  
2 adopted under it.

3 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2002.

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