

WSR 24-21-133
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed October 22, 2024, 9:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-18-096.

Title of Rule and Other Identifying Information: Physician assistant billing procedure, WAC 296-20-12501.

Hearing Location(s): On December 4, 2024, at 3:00 p.m., join electronically via Zoom <https://lni-wa-gov.zoom.us/j/81272605343?pwd=0W82SbeoVuLedcdaEixacjqlJYvm91.1>, Meeting ID 812 7260 5343, Passcode 22Hearing%; or join by phone (audio only) 253-215-8782 US (Tacoma), 253-205-0468 US. The hearing will begin at 3:00 p.m. (Pacific Time U.S. and Canada) and will continue until all oral comments are received.

Date of Intended Adoption: January 21, 2025.

Submit Written Comments to: Marc Hobbs, Department of Labor and Industries (L&I), Insurance Services, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, email Marc.Hobbs@lni.wa.gov, fax 360-902-4249, beginning October 23, 2024, at 8:00 a.m., by December 4, 2024, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Marc Hobbs, phone 360-902-4244, fax 360-902-4249, email Marc.Hobbs@lni.wa.gov, by November 26, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making proposes to repeal WAC 296-20-12501 in its entirety. WAC 296-20-12501 requires physician assistants to be paid at 90 percent of the value listed in the fee schedule for services they perform. This change will allow L&I to pay physician assistants at parity with other providers.

Reasons Supporting Proposal: The pay differential in rule was put in place when physician assistants were exclusively supervised by other providers. Due to the passage of ESHB 2041, chapter 62, Laws of 2024, physician assistants may now practice autonomously in collaborative agreements. Therefore, it no longer makes sense to pay them less than other providers who practice independently.

Billing procedures are commonly published as part of payment policies rather than in WAC sections. No other WAC would be rendered inaccurate by the repeal of WAC 296-20-12501. Nothing in this WAC must by necessity appear in rule; therefore, it makes the most sense to repeal it in its entirety and move any necessary information physician assistants may need to payment policy, where it can be explained in greater detail and updated to reflect changes.

L&I will do a separate rule making to make any changes related to nonbilling language in chapter 296-20 WAC needed to align with ESHB 2041.

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030, and 51.16.035.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: L&I, governmental.

Name of Agency Personnel Responsible for Drafting: Marc Hobbs, Tumwater, Washington, 360-902-4244; Implementation and Enforcement: Brenda Heilman, Tumwater, Washington, 360-902-4997.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Marc Hobbs, L&I, Insurance Services, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone 360-902-4244, fax 360-902-4249, email Marc.Hobbs@Lni.wa.gov.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. Removing the pay differential represents a 0.41 percent increase in the overall portion of the medical aid fund spent on physician assistants and is not expected to affect the base rates for a classification or the experience factor of an employer. As such, the proposed rules are not expected to add additional costs. Also, if more physician assistants are encouraged to treat injured workers, it can improve workers' ability to find a provider. Increasing access to care reduces delays in medical treatment and time loss payments, resulting in reduced claim costs and helping workers heal and return to work more quickly resulting in overall cost savings.

October 22, 2024
Joel Sacks
Director

OTS-5632.1

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-20-12501 Physician assistant billing procedure.