

CERTIFICATION OF ENROLLMENT

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

CLYDE BALLARD
**Speaker of the
House of Representatives**

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

BRAD OWEN
President of the Senate

Approved March 30, 1998

GARY LOCKE
Governor of the State of Washington

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.

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 30, 1998 - 3:09 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2822

Passed Legislature - 1998 Regular Session

State of Washington

55th Legislature

1998 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representative McMorris; by request of Department of Labor & Industries)

Read first time 02/05/98. Referred to Committee on .

1 AN ACT Relating to exempting department of labor and industries'
2 medical coverage decisions from rule-making requirements; and amending
3 RCW 51.04.030.

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

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

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

1 are such decisions subject to the rule-making provisions of chapter
2 34.05 RCW except that criteria for establishing medical coverage
3 decisions shall be adopted by rule after consultation with the workers'
4 compensation advisory committee established in RCW 51.04.110: PROVIDED
5 FURTHER, That((7)) the department may recommend to an injured worker
6 particular health care services and providers where specialized
7 treatment is indicated or where cost effective payment levels or rates
8 are obtained by the department: AND PROVIDED FURTHER, That the
9 department may enter into contracts for goods and services including,
10 but not limited to, durable medical equipment so long as state-wide
11 access to quality service is maintained for injured workers.

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

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

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.