

ESSB 5290 - H COMM AMD  
By Committee on Commerce & Labor

ADOPTED 04/03/2007

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 51.36 RCW  
4 to read as follows:

5 (1) The department shall establish an industrial insurance medical  
6 advisory committee. The industrial insurance medical advisory  
7 committee shall advise the department on matters related to the  
8 provision of safe, effective, and cost-effective treatments for injured  
9 workers, including but not limited to the development of practice  
10 guidelines and coverage criteria, review of coverage decisions and  
11 technology assessments, review of medical programs, and review of rules  
12 pertaining to health care issues. The industrial insurance medical  
13 advisory committee may provide peer review and advise and assist the  
14 department in the resolution of controversies, disputes, and problems  
15 between the department and the providers of medical care. The  
16 industrial insurance medical advisory committee must consider the best  
17 available scientific evidence and expert opinion of committee members.  
18 The department may hire any expert or service or create an ad hoc  
19 committee, group, or subcommittee it deems necessary to fulfill the  
20 purposes of the industrial insurance medical advisory committee. In  
21 addition, the industrial insurance medical advisory committee may  
22 consult nationally recognized experts in evidence-based health care on  
23 particularly controversial issues.

24 (2) The industrial insurance medical advisory committee is composed  
25 of up to fourteen members appointed by the director. The members must  
26 not include any department employees. The director shall select twelve  
27 members from the nominations provided by statewide clinical groups,  
28 specialties, and associations, including but not limited to the  
29 following: Family or general practice, orthopedics, neurology,  
30 neurosurgery, general surgery, physical medicine and rehabilitation,

1 psychiatry, internal medicine, osteopathic, pain management, and  
2 occupational medicine. At least two members must be physicians who are  
3 recognized for expertise in evidence-based medicine. The director may  
4 choose up to two additional members, not necessarily from the  
5 nominations submitted, who have expertise in occupational medicine.

6 (3) The industrial insurance medical advisory committee shall  
7 choose its chair from among its membership.

8 (4) The members of the industrial insurance medical advisory  
9 committee, including hired experts and any ad hoc group or  
10 subcommittee: (a) Are immune from civil liability for any official  
11 acts performed in good faith to further the purposes of the industrial  
12 insurance medical advisory committee; and (b) may be compensated for  
13 participation in the work of the industrial insurance medical advisory  
14 committee in accordance with a personal services contract to be  
15 executed after appointment and before commencement of activities  
16 related to the work of the industrial insurance medical advisory  
17 committee.

18 (5) The members of the industrial insurance medical advisory  
19 committee shall disclose all potential financial conflicts of interest  
20 including contracts with or employment by a manufacturer, provider, or  
21 vendor of health technologies, drugs, medical devices, diagnostic  
22 tools, or other medical services during their term or for eighteen  
23 months before their appointment. As a condition of appointment, each  
24 person must agree to the terms and conditions regarding conflicts of  
25 interest as determined by the director.

26 (6) The industrial insurance medical advisory committee shall meet  
27 at the times and places designated by the director and hold meetings  
28 during the year as necessary to provide advice to the director.  
29 Meetings of the industrial insurance medical advisory committee are  
30 subject to chapter 42.30 RCW, the open public meetings act.

31 (7) The industrial insurance medical advisory committee shall  
32 coordinate with the state health technology assessment program and  
33 state prescription drug program as necessary. As provided by RCW  
34 70.14.100 and 70.14.050, the decisions of the state health technology  
35 assessment program and those of the state prescription drug program  
36 hold greater weight than decisions made by the department's industrial  
37 insurance medical advisory committee under Title 51 RCW.

1 (8) Neither the industrial insurance medical advisory committee nor  
2 any group is an agency for purposes of chapter 34.05 RCW.

3 (9) The department shall provide administrative support to the  
4 industrial insurance medical advisory committee and adopt rules to  
5 carry out the purposes of this section.

6 (10) The chair and ranking minority member of the house of  
7 representatives commerce and labor committee or the chair and ranking  
8 minority member of the senate labor, commerce, research and development  
9 committee, or successor committees, may request that the industrial  
10 insurance medical advisory committee review a medical issue related to  
11 industrial insurance and provide a written report to the house of  
12 representatives commerce and labor committee and the senate labor,  
13 commerce, research and development committee, or successor committees.  
14 The industrial insurance medical advisory committee is not required to  
15 act on the request.

16 (11) The workers' compensation advisory committee may request that  
17 the industrial insurance medical advisory committee consider specific  
18 medical issues that have arisen multiple times during the work of the  
19 workers' compensation advisory committee. The industrial insurance  
20 medical advisory committee is not required to act on the request.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 51.36 RCW  
22 to read as follows:

23 (1) The department shall establish an industrial insurance  
24 chiropractic advisory committee. The industrial insurance chiropractic  
25 advisory committee shall advise the department on matters related to  
26 the provision of safe, effective, and cost-effective chiropractic  
27 treatments for injured workers. The industrial insurance chiropractic  
28 advisory committee may provide peer review and advise and assist the  
29 department in the resolution of controversies, disputes, and problems  
30 between the department and the providers of chiropractic care.

31 (2) The industrial insurance chiropractic advisory committee is  
32 composed of up to nine members appointed by the director. The members  
33 must not include any department employees. The director must consider  
34 nominations from recognized statewide chiropractic groups such as the  
35 Washington state chiropractic association. At least two members must  
36 be chiropractors who are recognized for expertise in evidence-based  
37 practice or occupational health.

1 (3) The industrial insurance chiropractic advisory committee shall  
2 choose its chair from among its membership.

3 (4) The members of the industrial insurance chiropractic advisory  
4 committee and any ad hoc group or subcommittee: (a) Are immune from  
5 civil liability for any official acts performed in good faith to  
6 further the purposes of the industrial insurance chiropractic advisory  
7 committee; and (b) may be compensated for participation in the work of  
8 the industrial insurance chiropractic advisory committee in accordance  
9 with a personal services contract to be executed after appointment and  
10 before commencement of activities related to the work of the industrial  
11 insurance chiropractic advisory committee.

12 (5) The members of the industrial insurance chiropractic advisory  
13 committee shall disclose all potential financial conflicts of interest  
14 including contracts with or employment by a manufacturer, provider, or  
15 vendor of health technologies, drugs, medical devices, diagnostic  
16 tools, or other medical services during their term or for eighteen  
17 months before their appointment. As a condition of appointment, each  
18 person must agree to the terms and conditions regarding conflicts of  
19 interest as determined by the director.

20 (6) The industrial insurance chiropractic advisory committee shall  
21 meet at the times and places designated by the director and hold  
22 meetings during the year as necessary to provide advice to the  
23 director. Meetings of the industrial insurance chiropractic advisory  
24 committee are subject to chapter 42.30 RCW, the open public meetings  
25 act.

26 (7) The industrial insurance chiropractic advisory committee shall  
27 coordinate with the state health technology assessment program and  
28 state prescription drug program as necessary. As provided by RCW  
29 70.14.100 and 70.14.050, the decisions of the state health technology  
30 assessment program and those of the state prescription drug program  
31 hold greater weight than decisions made by the department's industrial  
32 insurance chiropractic advisory committee under Title 51 RCW.

33 (8) Neither the industrial insurance chiropractic advisory  
34 committee nor any group is an agency for purposes of chapter 34.05 RCW.

35 (9) The department shall provide administrative support to the  
36 industrial insurance chiropractic advisory committee and adopt rules to  
37 carry out the purposes of this section.

1 (10) The chair and ranking minority member of the house of  
2 representatives commerce and labor committee or the chair and ranking  
3 minority member of the senate labor, commerce, research and development  
4 committee, or successor committees, may request that the industrial  
5 insurance chiropractic advisory committee review a medical issue  
6 related to industrial insurance and provide a written report to the  
7 house of representatives commerce and labor committee and the senate  
8 labor, commerce, research and development committee, or successor  
9 committees. The industrial insurance chiropractic advisory committee  
10 is not required to act on the request.

11 (11) The workers' compensation advisory committee may request that  
12 the industrial insurance chiropractic advisory committee consider  
13 specific medical issues that have arisen multiple times during the work  
14 of the workers' compensation advisory committee. The industrial  
15 insurance chiropractic advisory committee is not required to act on the  
16 request.

17 NEW SECTION. **Sec. 3.** The director, the industrial insurance  
18 medical advisory committee, and the industrial insurance chiropractic  
19 advisory committee shall report to the appropriate committees of the  
20 legislature on the following:

21 (1) A summary of the types of issues reviewed by the industrial  
22 insurance medical advisory committee and the industrial insurance  
23 chiropractic advisory committee and decisions in each matter;

24 (2) Whether the industrial insurance medical advisory committee or  
25 the industrial insurance chiropractic advisory committee became  
26 involved in the resolution of any disputes or controversies and the  
27 results of those disputes or controversies as a result of the  
28 involvement of the industrial insurance medical advisory committee or  
29 the industrial insurance chiropractic advisory committee;

30 (3) The extent to which the industrial insurance medical advisory  
31 committee and the industrial insurance chiropractic advisory committee  
32 conducted any peer reviews and the results of those reviews;

33 (4) The extent of any practice guidelines or coverage criteria  
34 developed by the industrial insurance medical advisory committee or the  
35 industrial insurance chiropractic advisory committee and the success of  
36 those developments; and

1 (5) The extent to which the industrial insurance medical advisory  
2 committee and the industrial insurance chiropractic advisory committee  
3 provided advice on coverage decisions and technology assessments.

4 The report is due no later than June 30, 2011, and must contain a  
5 recommendation about whether the industrial insurance medical advisory  
6 committee and the industrial insurance chiropractic advisory committee  
7 should continue as originally configured or whether any changes are  
8 needed."

EFFECT: (1) Adds language that allows the chair and ranking  
minority member of the House Commerce and Labor Committee and the chair  
and ranking minority member of the Senate Labor, Commerce, Research and  
Development Committee to request a report from either the Industrial  
Insurance Medical Advisory Committee or the Industrial Insurance  
Chiropractic Advisory Committee on a medical issue related to  
industrial insurance, but the Industrial Insurance Medical Advisory  
Committee and the Industrial Insurance Chiropractic Advisory Committee  
are not required to respond to the request.

(2) Adds language that allows the Workers' Compensation Advisory  
Committee (WCAC) to also request that the Industrial Insurance  
Chiropractic Advisory Committee (instead of just the Medical Advisory  
Committee) consider specific medical issues that have arisen multiple  
times during the work of the WCAC, but the Industrial Insurance  
Chiropractic Advisory Committee is not required to act on the request.

(3) Adds language that allows the Industrial Insurance Medical  
Advisory Committee to consult national experts on particularly  
controversial issues.

(4) Adds language that prohibits members of the Industrial  
Insurance Medical Advisory Committee and the Industrial Insurance  
Chiropractic Advisory Committee from being employees of the Department  
of Labor and Industries.

(5) Corrects a reference to the total number of members on the  
Industrial Insurance Medical Advisory Committee to 14.

(6) Makes technical changes to correct inconsistent references to  
"industrial insurance medical advisory committee," "industrial  
insurance chiropractic advisory committee," "advisory committee," and  
"committee."

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