

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5290

Chapter 282, Laws of 2007

60th Legislature
2007 Regular Session

INDUSTRIAL INSURANCE MEDICAL ADVISORY COMMITTEE

EFFECTIVE DATE: 07/22/07

Passed by the Senate April 16, 2007
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 3, 2007
YEAS 97 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 2, 2007, 2:48 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5290** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 3, 2007

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5290

AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Labor, Commerce, Research & Development
(originally sponsored by Senators Keiser, Kohl-Welles and Clements;
by request of Department of Labor & Industries)

READ FIRST TIME 02/08/07.

1 AN ACT Relating to industrial insurance medical and chiropractic
2 advisory committees for the department of labor and industries; adding
3 new sections to chapter 51.36 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.36 RCW
6 to read as follows:

7 (1) The department shall establish an industrial insurance medical
8 advisory committee. The industrial insurance medical advisory
9 committee shall advise the department on matters related to the
10 provision of safe, effective, and cost-effective treatments for injured
11 workers, including but not limited to the development of practice
12 guidelines and coverage criteria, review of coverage decisions and
13 technology assessments, review of medical programs, and review of rules
14 pertaining to health care issues. The industrial insurance medical
15 advisory committee may provide peer review and advise and assist the
16 department in the resolution of controversies, disputes, and problems
17 between the department and the providers of medical care. The
18 industrial insurance medical advisory committee must consider the best
19 available scientific evidence and expert opinion of committee members.

1 The department may hire any expert or service or create an ad hoc
2 committee, group, or subcommittee it deems necessary to fulfill the
3 purposes of the industrial insurance medical advisory committee. In
4 addition, the industrial insurance medical advisory committee may
5 consult nationally recognized experts in evidence-based health care on
6 particularly controversial issues.

7 (2) The industrial insurance medical advisory committee is composed
8 of up to fourteen members appointed by the director. The members must
9 not include any department employees. The director shall select twelve
10 members from the nominations provided by statewide clinical groups,
11 specialties, and associations, including but not limited to the
12 following: Family or general practice, orthopedics, neurology,
13 neurosurgery, general surgery, physical medicine and rehabilitation,
14 psychiatry, internal medicine, osteopathic, pain management, and
15 occupational medicine. At least two members must be physicians who are
16 recognized for expertise in evidence-based medicine. The director may
17 choose up to two additional members, not necessarily from the
18 nominations submitted, who have expertise in occupational medicine.

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

21 (4) The members of the industrial insurance medical advisory
22 committee, including hired experts and any ad hoc group or
23 subcommittee: (a) Are immune from civil liability for any official
24 acts performed in good faith to further the purposes of the industrial
25 insurance medical advisory committee; and (b) may be compensated for
26 participation in the work of the industrial insurance medical advisory
27 committee in accordance with a personal services contract to be
28 executed after appointment and before commencement of activities
29 related to the work of the industrial insurance medical advisory
30 committee.

31 (5) The members of the industrial insurance medical advisory
32 committee shall disclose all potential financial conflicts of interest
33 including contracts with or employment by a manufacturer, provider, or
34 vendor of health technologies, drugs, medical devices, diagnostic
35 tools, or other medical services during their term or for eighteen
36 months before their appointment. As a condition of appointment, each
37 person must agree to the terms and conditions regarding conflicts of
38 interest as determined by the director.

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

6 (7) The industrial insurance medical advisory committee shall
7 coordinate with the state health technology assessment program and
8 state prescription drug program as necessary. As provided by RCW
9 70.14.100 and 70.14.050, the decisions of the state health technology
10 assessment program and those of the state prescription drug program
11 hold greater weight than decisions made by the department's industrial
12 insurance medical advisory committee under Title 51 RCW.

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

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

18 (10) The chair and ranking minority member of the house of
19 representatives commerce and labor committee or the chair and ranking
20 minority member of the senate labor, commerce, research and development
21 committee, or successor committees, may request that the industrial
22 insurance medical advisory committee review a medical issue related to
23 industrial insurance and provide a written report to the house of
24 representatives commerce and labor committee and the senate labor,
25 commerce, research and development committee, or successor committees.
26 The industrial insurance medical advisory committee is not required to
27 act on the request.

28 (11) The workers' compensation advisory committee may request that
29 the industrial insurance medical advisory committee consider specific
30 medical issues that have arisen multiple times during the work of the
31 workers' compensation advisory committee. The industrial insurance
32 medical advisory committee is not required to act on the request.

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

35 (1) The department shall establish an industrial insurance
36 chiropractic advisory committee. The industrial insurance chiropractic
37 advisory committee shall advise the department on matters related to

1 the provision of safe, effective, and cost-effective chiropractic
2 treatments for injured workers. The industrial insurance chiropractic
3 advisory committee may provide peer review and advise and assist the
4 department in the resolution of controversies, disputes, and problems
5 between the department and the providers of chiropractic care.

6 (2) The industrial insurance chiropractic advisory committee is
7 composed of up to nine members appointed by the director. The members
8 must not include any department employees. The director must consider
9 nominations from recognized statewide chiropractic groups such as the
10 Washington state chiropractic association. At least two members must
11 be chiropractors who are recognized for expertise in evidence-based
12 practice or occupational health.

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

15 (4) The members of the industrial insurance chiropractic advisory
16 committee and any ad hoc group or subcommittee: (a) Are immune from
17 civil liability for any official acts performed in good faith to
18 further the purposes of the industrial insurance chiropractic advisory
19 committee; and (b) may be compensated for participation in the work of
20 the industrial insurance chiropractic advisory committee in accordance
21 with a personal services contract to be executed after appointment and
22 before commencement of activities related to the work of the industrial
23 insurance chiropractic advisory committee.

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

32 (6) The industrial insurance chiropractic advisory committee shall
33 meet at the times and places designated by the director and hold
34 meetings during the year as necessary to provide advice to the
35 director. Meetings of the industrial insurance chiropractic advisory
36 committee are subject to chapter 42.30 RCW, the open public meetings
37 act.

1 (7) The industrial insurance chiropractic advisory committee shall
2 coordinate with the state health technology assessment program and
3 state prescription drug program as necessary. As provided by RCW
4 70.14.100 and 70.14.050, the decisions of the state health technology
5 assessment program and those of the state prescription drug program
6 hold greater weight than decisions made by the department's industrial
7 insurance chiropractic advisory committee under Title 51 RCW.

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

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

13 (10) The chair and ranking minority member of the house of
14 representatives commerce and labor committee or the chair and ranking
15 minority member of the senate labor, commerce, research and development
16 committee, or successor committees, may request that the industrial
17 insurance chiropractic advisory committee review a medical issue
18 related to industrial insurance and provide a written report to the
19 house of representatives commerce and labor committee and the senate
20 labor, commerce, research and development committee, or successor
21 committees. The industrial insurance chiropractic advisory committee
22 is not required to act on the request.

23 (11) The workers' compensation advisory committee may request that
24 the industrial insurance chiropractic advisory committee consider
25 specific medical issues that have arisen multiple times during the work
26 of the workers' compensation advisory committee. The industrial
27 insurance chiropractic advisory committee is not required to act on the
28 request.

29 NEW SECTION. **Sec. 3.** The director, the industrial insurance
30 medical advisory committee, and the industrial insurance chiropractic
31 advisory committee shall report to the appropriate committees of the
32 legislature on the following:

33 (1) A summary of the types of issues reviewed by the industrial
34 insurance medical advisory committee and the industrial insurance
35 chiropractic advisory committee and decisions in each matter;

36 (2) Whether the industrial insurance medical advisory committee or
37 the industrial insurance chiropractic advisory committee became

1 involved in the resolution of any disputes or controversies and the
2 results of those disputes or controversies as a result of the
3 involvement of the industrial insurance medical advisory committee or
4 the industrial insurance chiropractic advisory committee;

5 (3) The extent to which the industrial insurance medical advisory
6 committee and the industrial insurance chiropractic advisory committee
7 conducted any peer reviews and the results of those reviews;

8 (4) The extent of any practice guidelines or coverage criteria
9 developed by the industrial insurance medical advisory committee or the
10 industrial insurance chiropractic advisory committee and the success of
11 those developments; and

12 (5) The extent to which the industrial insurance medical advisory
13 committee and the industrial insurance chiropractic advisory committee
14 provided advice on coverage decisions and technology assessments.

15 The report is due no later than June 30, 2011, and must contain a
16 recommendation about whether the industrial insurance medical advisory
17 committee and the industrial insurance chiropractic advisory committee
18 should continue as originally configured or whether any changes are
19 needed.

Passed by the Senate April 16, 2007.

Passed by the House April 3, 2007.

Approved by the Governor May 2, 2007.

Filed in Office of Secretary of State May 3, 2007.