

WSR 24-18-096
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed September 3, 2024, 9:33 a.m.]

Subject of Possible Rule Making: Repeal of WAC 296-20-12501
Physician assistant billing procedure.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 51.04.020, 51.04.030, and 51.16.035.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: The purpose of this rule making is to remove the pay
differential for physician assistants from chapter 296-20 WAC. 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
differential was put in place when physician assistants were exclu-
sively supervised by other providers and could not practice medicine
on their own. With the passage of ESHB 2041, chapter 62, Laws of 2024,
physician assistants may now practice autonomously in collaborative
agreements with other providers. Given this change, it no longer makes
sense to pay physician assistants less than other providers.

Billing procedures are commonly published as part of payment pol-
icies rather than in WAC sections. No other WAC would be rendered in-
accurate 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 re-
peal 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.

The department of labor and industries (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.

Other Federal and State Agencies that Regulate this Subject and
the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The proposed change will be pre-
sented to advisory groups, published via the GovDelivery service, com-
municated to industry organizations by email, and publicized in a let-
ter to in-network physician assistants. Parties interested in this
rule change may contact the individual listed below. The public may
also participate by commenting after the proposal (CR-102) is filed by
providing written comments and/or testimony during the public hearing
and comment process. A public hearing will be held after the proposal
is filed.

Interested parties can participate in the decision to adopt the
new rule and formulation of the proposed rule before publication by
contacting Marc Hobbs, L&I, Health Services Analysis, Insurance Serv-
ices, P.O. Box 44322, Olympia, WA 98504-4322, phone 360-902-4244, fax
360-902-4249, email Marc.Hobbs@Lni.wa.gov.

Additional comments: For information about L&I rule making, visit
the Rulemaking Activity website [https://www.lni.wa.gov/rulemaking-
activity](https://www.lni.wa.gov/rulemaking-activity).

September 3, 2024
Joel Sacks
Director