

FINAL BILL REPORT

SHB 2822

C 230 L 98

Synopsis as Enacted

Brief Description: Exempting agency medical coverage decisions by labor and industries from rule-making provisions.

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

House Committee on Commerce & Labor
Senate Committee on Commerce & Labor

Background: An injured worker entitled to compensation under the industrial insurance law must receive proper and necessary medical services during his or her period of disability, subject to certain limitations. The Department of Labor and Industries is responsible for supervising the prompt and efficient delivery of care and treatment provided to injured workers. The department is directed by statute to adopt rules and practices governing these services.

The state Administrative Procedure Act (APA) details procedures that state agencies must follow when adopting rules. Generally, a "rule" is any agency order or directive of general applicability that subjects a person to a sanction if violated, or establishes or changes a procedure or qualification relating to, among other things, benefits or privileges conferred by law. Before adopting a rule, an agency must follow specified procedures, including publishing notice in the state register and holding a hearing. For some types of rules, agencies must solicit comments and otherwise involve interested parties before publishing notice of a proposed rule. Rules not adopted in accordance with the prescribed procedures are invalid.

Summary: Medical coverage decisions made by the Department of Labor and Industries under the industrial insurance law are not "rules" for the purposes of the state Administrative Procedures Act (APA) and are not subject to the APA's rule-making requirements. However, the criteria for establishing medical coverage decisions must be adopted by rule after consultation with the Workers' Compensation Advisory Committee.

Votes on Final Passage:

House 95 1
Senate 46 0

Effective: June 11, 1998