
HOUSE BILL 2822

State of Washington

55th Legislature

1998 Regular Session

By Representative McMorris; by request of Department of Labor & Industries

Read first time 01/20/98. Referred to Committee on Commerce & Labor.

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: PROVIDED FURTHER, That(~~(7)~~) the
4 department may recommend to an injured worker particular health care
5 services and providers where specialized treatment is indicated or
6 where cost effective payment levels or rates are obtained by the
7 department: AND PROVIDED FURTHER, That the department may enter into
8 contracts for goods and services including, but not limited to, durable
9 medical equipment so long as state-wide access to quality service is
10 maintained for injured workers.

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

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

--- END ---