
SENATE BILL 6724

State of Washington 57th Legislature

2002 Regular Session

By Senators Keiser, Long, Thibaudeau, Prentice, Roach and Kohl-Welles

Read first time 01/29/2002. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to mental health professionals under industrial
2 insurance; amending RCW 51.04.030; and providing an effective date.

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

4 **Sec. 1.** RCW 51.04.030 and 1998 c 230 s 1 are each amended to read
5 as follows:

6 (1) The director shall supervise the providing of prompt and
7 efficient care and treatment, including care provided by physician
8 assistants governed by the provisions of chapters 18.57A and 18.71A
9 RCW, acting under a supervising physician, (~~and~~) including
10 chiropractic care, and care provided by a mental health professional
11 licensed under Title 18 RCW, to workers injured during the course of
12 their employment at the least cost consistent with promptness and
13 efficiency, without discrimination or favoritism, and with as great
14 uniformity as the various and diverse surrounding circumstances and
15 locations of industries will permit and to that end shall, from time to
16 time, establish and adopt and supervise the administration of printed
17 forms, rules, regulations, and practices for the furnishing of such
18 care and treatment: PROVIDED, That the medical coverage decisions of
19 the department do not constitute a "rule" as used in RCW 34.05.010(16),

1 nor 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 after consultation with the workers'
4 compensation advisory committee established in RCW 51.04.110: PROVIDED
5 FURTHER, That the department may recommend to an injured worker
6 particular health care services and providers where specialized
7 treatment is indicated or where cost effective payment levels or rates
8 are obtained by the department: AND PROVIDED FURTHER, That the
9 department may enter into contracts for goods and services including,
10 but not limited to, durable medical equipment so long as state-wide
11 access to quality service is maintained for injured workers.

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

32 (3) The director or self-insurer, as the case may be, shall make a
33 record of the commencement of every disability and the termination
34 thereof and, when bills are rendered for the care and treatment of
35 injured workers, shall approve and pay those which conform to the
36 adopted rules, regulations, established fee schedules, and practices of
37 the director and may reject any bill or item thereof incurred in
38 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.

3 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2002.

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