
Commerce & Labor Committee

HB 2154

Brief Description: Making spinal cord stimulators and drug infusion pumps available to injured workers.

Sponsors: Representatives Wood, Conway, Anderson, Tom, Ericksen and McCoy.

Brief Summary of Bill

- Explicitly specifies that spinal cord stimulators and drug infusion pumps are health services available to injured workers.

Hearing Date: 1/15/04

Staff: Jill Reinmuth (786-7134).

Background:

The Industrial Insurance Act (Act) specifies that injured workers are entitled to "proper and necessary medical and surgical services" and "proper and necessary hospital care and services." The Act authorizes the director of the Department of Labor and Industries (Department) to make determinations about the types of treatment to be provided to injured workers.

In most cases, these determinations require an individualized analysis to determine whether the treatment is "medically necessary." The Department's medical aid rules specify that services which are controversial, obsolete, experimental, or investigational are presumed not be "medically necessary." The rules also require prior approval for treatment measures that are of an unusual, controversial, obsolete, or experimental nature.

Spinal cord stimulators and drug infusion pumps are surgically implanted devices that are designed to provide relief from chronic pain. In a significant decision in 1998, the Board of Industrial Insurance Appeals (Board) agreed with the Department that spinal cord stimulator treatment is controversial and, thus, must be presumed not to be medically necessary. However, the Board also determined that this presumption can be rebutted on a case-by-case basis. Thus, in an individual case, spinal cord stimulator treatment may be determined to be "medically necessary" and also "proper and necessary medical and surgical services." In such a case, the injured worker is entitled to spinal cord stimulator treatment.

Summary of Bill:

Spinal cord stimulators and drug infusion pumps are explicitly specified as health services available to injured workers. The devices are available to injured workers at least in accordance with relevant standards adopted by national payors and most state industrial insurance programs. The devices are deemed "corrective and rehabilitative" and "necessary and proper." The Department of Labor and Industries is not prevented from making decisions about whether the devices are appropriate in specific cases. The terms "spinal cord stimulator" and "drug infusion pump" are defined. These provisions are liberally construed to provide coverage except in inappropriate individual cases.

Rules Authority: This bill does not contain provisions addressing the rule-making powers of an agency.

Appropriation: None.

Fiscal Note: Requested on January 12, 2004.

Effective Date: The bill contains an emergency clause and takes effect immediately.