

# FINAL BILL REPORT

## ESSB 5290

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Synopsis as Enacted

**Brief Description:** Establishing industrial insurance medical and chiropractic advisory committees.

**Sponsors:** Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Keiser, Kohl-Welles and Clements; by request of Department of Labor & Industries).

**Senate Committee on Labor, Commerce, Research & Development**  
**House Committee on Commerce & Labor**

**Background:** The Department of Labor and Industries (L&I) Medical Director's staff periodically gather evidence and information about emerging medical techniques and devices that might be helpful for injured workers. After this review, the Medical Director decides whether or not a technique or device will be paid through the worker's compensation system for an injured worker.

WAC 296-20-01001 requires the Washington State Medical Association to appoint an advisory and utilization review committee to assist the Medical Director in making the above decisions and advise L&I regarding policies affecting medical care and rehabilitation, quality control and supervision of medical care, and the establishment of rules. The committee is to meet monthly and L&I can reimburse members for each meeting. This group has disbanded because L&I cannot sufficiently reimburse the members for their time on this committee.

WAC 296-20-100 requires the Director of L&I to appoint a chiropractic advisory committee to advise L&I on policies affecting chiropractic care, quality assurance, clinical management of cases, utilization review and the establishment of rules. The committee is to meet on a monthly basis and L&I may reimburse the members for travel and incidental expenses.

**Summary:** L&I must establish two separate advisory committees: the Industrial Insurance Medical Advisory Committee and the Industrial Insurance Chiropractic Advisory Committee.

**Industrial Insurance Medical Advisory Committee (MAC):** The MAC is to advise L&I on matters related to providing safe, effective and cost-effective treatments for injured workers. These matters can include the development of practice guidelines and coverage criteria, review of coverage decisions and technology assessments, review of medical programs, and review of rules pertaining to health care issues. The MAC may also provide peer-review and advise and assist L&I in resolving controversies, disputes, and problems between L&I and medical care providers. In advising L&I, MAC must consider the best available scientific evidence and the expert opinion of the MAC members.

MAC is comprised of up to 14 members appointed by the L&I Director. In making the appointments, the L&I Director must select 12 members from the nominations received from

statewide clinical groups, specialties, and associations. At least two members must be physicians recognized for their expertise in evidence-based medicine. The Director may choose up to two additional members, not necessarily from the nominations submitted, who are experts in occupational medicine. The MAC must choose its chair from among its members. No member of MAC can be an L&I employee.

The Worker's Compensation Advisory Committee (WCAC) may ask the MAC to consider specific medical issues that have arisen multiple times in WCAC meetings. The MAC is not required to act on the request. The Chair and Ranking Minority Member of the House Commerce & Labor Committee or the Senate Labor, Commerce, Research & Development Committee may request a report from MAC on a medical issue related to workers' compensation and provide a report to the legislative committees on the request. The MAC is not required to respond.

Industrial Insurance Chiropractic Advisory Committee (CAC): The CAC is to advise L&I on matters related to providing safe, effective, and cost-effective chiropractic treatments for injured workers. The CAC may also provide peer-review and advise and assist L&I in resolving controversies, disputes, and problems between L&I and chiropractic care providers.

The CAC is comprised of nine members appointed by the L&I Director. The Director must consider nominations from recognized statewide chiropractic groups such as the Washington State Chiropractic Association. At least two members must be chiropractors recognized for their expertise in evidence-based practice or occupational health. The CAC must choose its chair from among its members. No member of CAC can be a current L&I employee.

The Chair and Ranking Minority Member of the House Commerce & Labor Committee or the Chair and Ranking Minority Member of the Senate Labor, Commerce, Research & Development Committee may ask the CAC to review a medical issue related to industrial insurance and provide a report to the legislative committees. The CAC is not required to act on the request.

Provisions Applicable to Both Committees: MAC and CAC members are immune from liability for official acts performed in good faith for the committees and may be compensated for their participation on the committees pursuant to a personal services contract entered into between the member and L&I.

MAC and CAC members must disclose all potential financial conflicts of interest. As a condition of appointment, each member must agree to abide by the terms and conditions regarding conflicts of interest as determined by the L&I Director.

The L&I Director must determine when and how often the committees will meet. MAC and CAC meetings are subject to the Open Public Meetings Act.

As necessary, MAC and CAC must coordinate with the State Health Technology Assessment Program and the State Prescription Drug Program. Decisions of these two programs hold greater weight than decisions by either MAC or CAC.

L&I will staff both committees.

L&I and the MAC and CAC committees are to report to the Legislature on specific items by June 30, 2011, including whether the committees in their current configuration should continue.

**Votes on Final Passage:**

Senate	49	0	
House	97	0	(House amended)
Senate	47	0	(Senate concurred)

**Effective:** July 22, 2007