
HOUSE BILL 1816

State of Washington 59th Legislature 2005 Regular Session

By Representatives Conway and Wood

Read first time 02/07/2005. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to medical aid fees; amending RCW 51.04.030 and
2 51.04.030; providing an effective date; and providing an expiration
3 date.

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

5 **Sec. 1.** RCW 51.04.030 and 2004 c 65 s 1 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, including chiropractic care,
11 and including care provided by licensed advanced registered nurse
12 practitioners, to workers injured during the course of their employment
13 at the least cost consistent with promptness and efficiency, without
14 discrimination or favoritism, and with as great uniformity as the
15 various and diverse surrounding circumstances and locations of
16 industries will permit and to that end shall, from time to time,
17 establish and adopt and supervise the administration of printed forms,
18 rules, regulations, and practices for the furnishing of such care and
19 treatment: PROVIDED, That the medical coverage decisions of the

1 department do not constitute a "rule" as used in RCW 34.05.010(16), nor
2 are such decisions subject to the rule-making provisions of chapter
3 34.05 RCW except that criteria for establishing medical coverage
4 decisions shall be adopted by rule after consultation with the workers'
5 compensation advisory committee established in RCW 51.04.110: PROVIDED
6 FURTHER, That the department may recommend to an injured worker
7 particular health care services and providers where specialized
8 treatment is indicated or where cost effective payment levels or rates
9 are obtained by the department: AND PROVIDED FURTHER, That the
10 department may enter into contracts for goods and services including,
11 but not limited to, durable medical equipment so long as statewide
12 access to quality service is maintained for injured workers.

13 (2)(a) The director shall, in consultation with interested persons,
14 establish and, in his or her discretion, periodically change as may be
15 necessary, and make available a fee schedule of the maximum charges to
16 be made by any physician, surgeon, chiropractor, hospital, druggist,
17 licensed advanced registered nurse practitioner, physicians' assistants
18 as defined in chapters 18.57A and 18.71A RCW, acting under a
19 supervising physician or other agency or person rendering services to
20 injured workers. The department shall coordinate with other state
21 purchasers of health care services to establish as much consistency and
22 uniformity in billing and coding practices as possible, taking into
23 account the unique requirements and differences between programs. If
24 the director establishes fees for services related to providing and
25 maintaining prosthetic devices that are separate from the services
26 unrelated to device maintenance, the director must take into account
27 the effect of the device's market price and the costs of billing for
28 future maintenance appointments on the provider's ultimate
29 reimbursement.

30 (b) No service covered under this title, including services
31 provided to injured workers, whether aliens or other injured workers,
32 who are not residing in the United States at the time of receiving the
33 services, shall be charged or paid at a rate or rates exceeding those
34 specified in ((such)) the fee schedule established under this
35 subsection, and no contract providing for greater fees shall be valid
36 as to the excess.

37 (c) The establishment of ((such)) a fee schedule, exclusive of

1 conversion factors, does not constitute "agency action" as used in RCW
2 34.05.010(3), nor does such a fee schedule constitute a "rule" as used
3 in RCW 34.05.010(16).

4 (3) The director or self-insurer, as the case may be, shall make a
5 record of the commencement of every disability and the termination
6 thereof and, when bills are rendered for the care and treatment of
7 injured workers, shall approve and pay those which conform to the
8 adopted rules, regulations, established fee schedules, and practices of
9 the director and may reject any bill or item thereof incurred in
10 violation of the principles laid down in this section or the rules,
11 regulations, or the established fee schedules and rules and regulations
12 adopted under it.

13 **Sec. 2.** RCW 51.04.030 and 1998 c 230 s 1 are each amended to read
14 as follows:

15 (1) The director shall supervise the providing of prompt and
16 efficient care and treatment, including care provided by physician
17 assistants governed by the provisions of chapters 18.57A and 18.71A
18 RCW, acting under a supervising physician, and including chiropractic
19 care, to workers injured during the course of their employment at the
20 least cost consistent with promptness and efficiency, without
21 discrimination or favoritism, and with as great uniformity as the
22 various and diverse surrounding circumstances and locations of
23 industries will permit and to that end shall, from time to time,
24 establish and adopt and supervise the administration of printed forms,
25 rules, regulations, and practices for the furnishing of such care and
26 treatment: PROVIDED, That the medical coverage decisions of the
27 department do not constitute a "rule" as used in RCW 34.05.010(16), nor
28 are such decisions subject to the rule-making provisions of chapter
29 34.05 RCW except that criteria for establishing medical coverage
30 decisions shall be adopted by rule after consultation with the workers'
31 compensation advisory committee established in RCW 51.04.110: PROVIDED
32 FURTHER, That the department may recommend to an injured worker
33 particular health care services and providers where specialized
34 treatment is indicated or where cost effective payment levels or rates
35 are obtained by the department: AND PROVIDED FURTHER, That the
36 department may enter into contracts for goods and services including,

1 but not limited to, durable medical equipment so long as statewide
2 access to quality service is maintained for injured workers.

3 (2)(a) The director shall, in consultation with interested persons,
4 establish and, in his or her discretion, periodically change as may be
5 necessary, and make available a fee schedule of the maximum charges to
6 be made by any physician, surgeon, chiropractor, hospital, druggist,
7 physicians' assistants as defined in chapters 18.57A and 18.71A RCW,
8 acting under a supervising physician or other agency or person
9 rendering services to injured workers. The department shall coordinate
10 with other state purchasers of health care services to establish as
11 much consistency and uniformity in billing and coding practices as
12 possible, taking into account the unique requirements and differences
13 between programs. If the director establishes fees for services
14 related to providing and maintaining prosthetic devices that are
15 separate from the services unrelated to device maintenance, the
16 director must take into account the effect of the device's market price
17 and the costs of billing for future maintenance appointments on the
18 provider's ultimate reimbursement.

19 (b) No service covered under this title, including services
20 provided to injured workers, whether aliens or other injured workers,
21 who are not residing in the United States at the time of receiving the
22 services, shall be charged or paid at a rate or rates exceeding those
23 specified in ((such)) the fee schedule established under this
24 subsection, and no contract providing for greater fees shall be valid
25 as to the excess.

26 (c) The establishment of ((such)) a fee schedule, exclusive of
27 conversion factors, does not constitute "agency action" as used in RCW
28 34.05.010(3), nor does such a fee schedule constitute a "rule" as used
29 in RCW 34.05.010(16).

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

1 NEW SECTION. **Sec. 3.** Section 1 of this act expires June 30, 2007.

2 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect June 30,
3 2007.

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