

# Legislative Update July 2018

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## Washington State Department of Health Update

The Washington State Department of Health (DoH) is considering developing new and revised requirements for licensed mental health counselors (LMHC), licensed marriage and family therapists (LMFT), and licensed social workers in [chapter 246-809 WAC](#).

This happens every few years, and the purpose of the rulemaking is to strengthen the requirements, align them with current trends in practice, and better prepare associates for independent licensure. Rulemaking topics often include supervision, approved supervisors, recordkeeping, education, and continuing education. The DoH may also consider making clarifications and technical changes in other licensing standards, as needed.

As a refresher, this initial step is called a CR-101 which starts the rule process for the state agencies and alerts the public to potential changes. This will be followed up by a CR-102 which will include the potential changes the agency is seeking and start the stakeholder process (we have not yet seen this action for this rule change). Once final determinations are reached, a CR-103 will be filed with the state for implementation.

The [Mental Health Counselors, Marriage and Family Therapists, and Social Workers Advisory Committee](#) will begin to develop recommended changes on these topics. There are currently vacancies on this committee. If you are interested in seeking an appointment to serve, please [click here](#).

For more information, please review the announcement of rulemaking ([WSR 18-11-029](#)), follow the activities of the Advisory Committee, and consider [subscribing](#) to our notifications.

## Office of the Insurance Commissioner Update

In our last newsletter we shared with you that WAMFT has been meeting with the Office of the Insurance Commissioner (OIC) to address a variety of concerns raised by WAMFT members. A few of you have asked for assistance on interfacing with the OIC and what is (and what isn't) appropriate. Here is quick list to help all of WAMFT members engage with the OIC!

### What the OIC Can (and Can't) Do

What the OIC can do:

- Send your complaint to the insurance company and require them to provide an explanation for their actions.
- Send your complaint to the Washington Healthplanfinder and ask them to resolve your concerns.
- Review the company's response to make sure they followed Washington state laws and your policy.
- Tell the company to fix the problem if they didn't follow the laws or your policy.
- Try to find patterns of problems that may need further reviewing.
- Try to help fix your insurance problem or help you and the company communicate with one another.
- Help you understand your insurance policy.
- Recommend places you can go for help if we don't have the legal right to resolve it.

What the OIC can't do:

- Act as your lawyer, give you legal advice or be your claims adjuster.
- Make medical judgments or determine if further treatment is necessary.
- Make liability decisions or determine who is at fault.
- Establish the facts surrounding a claim (for example: who is being truthful when there are differing accounts of what happened, or he said/she said situations).
- Determine the cause of loss, value of a claim, the amount owed to you, or act as your adjuster.
- Address issues we can't legally enforce.
- Require the Washington Healthplanfinder to comply with state insurance laws as it's not an insurance company regulated by our office.
- Tell a company to pay a claim, refund a premium, or reinstate or issue a policy (if they followed the law and your policy).

Help for medical providers filing a complaint

- If you include your patient's name or personal information, you must include the patient's signed medical release -- see Page 3 of the [printable complaint form \(PDF, 124KB\)](#).
- If you're only submitting general claim information (no patient names or personal information), you don't need a medical release.
- [File a complaint against an insurance company.](#)

#### Complaint confidentiality statement

- Your complaint and any related documents you submit will become public records. Under [state law \(leg.wa.gov\)](#), public records are subject to public records disclosure requests.
- The OIC will protect information you provide us to the maximum extent of the law.\*

However, under some circumstances, other people may view your complaint and related documents. Please do not send sensitive information that they don't need to process your complaint. If they need additional information from you, they will request it.

\*[State law protects certain personal information \(leg.wa.gov\)](#) from public disclosure. This includes social security numbers, driver's license numbers, financial account numbers and [nonpublic personal health information \(leg.wa.gov\)](#). In most instances, home addresses, telephone numbers, email addresses and dates of birth are not protected from disclosure.

The OIC answers hundreds of insurance questions every day. If you're not sure, they can help you. Call the toll-free Insurance Consumer Hotline at 800-562-6900.

Lastly, the Office of the Insurance has also released their preliminary [2019 legislative agenda](#). At this time, there is no direct impact on WAMFT members but it's always good to keep an eye on the developing agendas.

## Washington State Department of Labor and Industry

The second meeting of the Masters Level Stakeholder workgroup occurred last week. As a refresher, this group is reviewing and recommending rules by which LMFTs and MHC can deliver therapeutic services to injured workers. WAMFT member Amira Whitehall and the WAMFT lobbyist, Amber Lewis, sat in and provided input. The process is in the early stages and the parties are still getting up to speed on the various facets of this issue. We look forward to keeping you updated as the real

work begins on laying out the rules for rendering services, billing, compliance, and reporting.

The third meeting will take place in late July.