

2 SHB 1629 - S COMM AMD

3 By Committee on Health & Long-Term Care

4 Adopted as Amended 4/16/91 - Voice Vote

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. Sec. 1. Unless the context clearly requires
8 otherwise, the definitions in this section apply throughout sections 2
9 through 7 of this act.

10 (1) "Accepted standards" means those standards of practice, skill,
11 and treatment that are recognized by a reasonably prudent chiropractor
12 as being acceptable under similar conditions and circumstances.

13 (2) "Appropriate chiropractic treatment" means treatment and other
14 services performed or ordered, in connection with a substantiated and
15 properly documented condition, which would appear to a reasonably
16 prudent chiropractor to be consistent with the diagnosis or analysis
17 presented.

18 (3) "Excessive" fees or costs means charges above the usual and
19 customary charges in that service area as paid by public and private
20 third-party payors.

21 (4) "Patient" means an individual who receives chiropractic
22 evaluation or treatment, or both.

23 (5) "Peer review committee" means the committee established under
24 section 2 of this act.

25 (6) "Peer review proceeding" or "peer review" means an evaluation,
26 based on accepted standards, by the peer review committee, of the
27 appropriateness, quality, utilization, and cost of health services
28 provided to a patient. Peer review does not include matters related to

1 the licensing, discipline, or scope of practice of any health care
2 profession.

3 (7) "Properly utilized services" means appropriate services
4 rendered or ordered, including the frequency and duration of such
5 services, which are documented as being necessary and reasonable by
6 clinical records and reports or by other facts, presentations, or
7 evidence reviewed by the peer review committee.

8 (8) "Services rendered" means all services provided to a patient."

9 "NEW SECTION. Sec. 2. (1) The board shall appoint the peer
10 review committee, which shall be constituted as follows: The chair of
11 the peer review committee shall be a member of the board and shall not
12 vote except to break a tie; one chiropractor from each congressional
13 district; one independent member representative of the health insurance
14 industry; and one representative from the department of labor and
15 industries. The term of appointment of peer review committee members
16 shall be one year, and no member shall serve more than four consecutive
17 terms. The board may appoint additional pro tem members as necessary.
18 Chiropractor members shall have at least five years of active practice
19 in this state. The board shall adopt rules establishing other
20 qualifications for appointment of the chiropractic members to the peer
21 review committee, including rules to avoid conflict of interest or the
22 appearance of conflict of interest.

23 (2) The peer review committee may be compensated in accordance with
24 RCW 43.03.240 and may be paid travel expenses while engaged in the
25 business of the committee in accordance with RCW 43.03.050 and
26 43.03.060."

27 "NEW SECTION. Sec. 3. (1) A patient, a patient's
28 representative, an insurer, an agency of the state of Washington, or a

1 chiropractor may request a peer review proceeding by submitting an
2 inquiry about services rendered to a patient by a chiropractor. The
3 board shall, in its discretion, determine whether the inquiry should be
4 reviewed as a peer review proceeding, as a matter for possible
5 voluntary mediation, or as a disciplinary proceeding. Peer review
6 shall not be used to replace the independent medical/chiropractic
7 examination.

8 (2) Request for peer review constitutes consent to submission by
9 the requesting party of all necessary records and other information
10 concerning the chiropractic services rendered. Chiropractors licensed
11 under this chapter who are a party to the peer review are required to
12 submit all necessary records and other information concerning services
13 rendered by the chiropractor.

14 (3) All costs associated with conducting peer review under this
15 chapter shall be borne by the chiropractic profession as part of the
16 licensing fees. Notwithstanding, the board shall assess a fee to cover
17 the costs of the review when the requesting party is a chiropractor or
18 a third-party payor."

19 "NEW SECTION. Sec. 4. (1) The peer review committee may review
20 matters regarding the appropriateness, quality, utilization, or cost of
21 chiropractic services rendered. The peer review committee on each
22 review shall include in its findings a determination whether
23 appropriate chiropractic treatment was rendered, whether the services
24 rendered were properly utilized services, whether treatment or services
25 rendered or ordered were appropriate in accordance with accepted
26 standards, and whether the fees charged were excessive or not.

27 (2) The committee may appoint subcommittees to assist it in
28 conducting peer review. All activities of the subcommittees shall be
29 reviewed and approved or disapproved by the committee.

1 (3) The peer review committee shall submit to all parties and to
2 the board a decision setting forth the committee's findings and
3 recommendations.

4 (4) Any party may appeal the decision to the board. The board, on
5 the record of the peer review committee, may return the proceeding with
6 recommendations to the committee for reconsideration, may initiate
7 disciplinary proceedings, or may approve the decision of the peer
8 review committee, or may take any combination of the above actions."

9 "NEW SECTION. Sec. 5. The peer review committee shall file
10 with the board a complaint against a chiropractor if the committee
11 determines that reasonable cause exists to believe the chiropractor has
12 committed unprofessional conduct. The peer review committee shall
13 transmit all information pertinent to the complaint to the board. Such
14 information shall be confidential and shall be used solely for
15 disciplinary purposes."

16 "NEW SECTION. Sec. 6. The board shall prepare a biennial
17 report summarizing its peer review decisions and shall include such
18 report as part of the board's report requirements under RCW 18.130.310.
19 The published summary of peer review decisions shall not be used and
20 shall not serve as the basis for establishing appropriate fee schedules
21 or treatment regimes for the profession."

22 "NEW SECTION. Sec. 7. No findings or decisions of the peer
23 review committee shall have any effect on or be admissible in any court
24 proceeding or administrative proceedings conducted under another
25 chapter of the Revised Code of Washington."

1 **"Sec. 8.** RCW 18.25.040 and 1991 c 3 s 39 are each amended to read
2 as follows:

3 Persons licensed to practice chiropractic under the laws of any
4 other state, territory of the United States, the District of Columbia,
5 Puerto Rico, or province of Canada, having ~~((equal requirements of))~~
6 qualifications substantially equivalent to those required by this
7 chapter, may, in the discretion of the board of chiropractic examiners,
8 and after such examination ~~((by the board in principles of~~
9 ~~chiropractic, x ray, and adjusting, as taught by chiropractic schools~~
10 ~~and colleges))~~ as may be required by rule of the board, be issued a
11 license to practice in this state without further examination, upon
12 payment of a fee determined by the secretary as provided in RCW
13 43.70.250."

14 **"Sec. 9.** RCW 18.25.090 and 1989 c 258 s 6 are each amended to read
15 as follows:

16 On all cards, books, papers, signs or other written or printed
17 means of giving information to the public, used by those licensed by
18 this chapter to practice chiropractic, the practitioner shall use after
19 or below his or her name the term chiropractor, chiropractic physician,
20 D.C., or D.C.Ph.C., designating his or her line of drugless practice,
21 and shall not use the letters M.D. or D.O.: PROVIDED, That the word
22 doctor or "Dr." or physician may be used only in conjunction with the
23 word "chiropractic" or "chiropractor". Nothing in this chapter shall
24 be held to apply to or to regulate any kind of treatment by prayer."

25 "NEW SECTION. **Sec. 10.** A new section is added to chapter 18.25
26 RCW to read as follows:

27 Nothing in this chapter shall be construed to prohibit:

1 (1) The temporary practice in this state of chiropractic by any
2 chiropractor licensed by another state, territory, or country in which
3 he or she resides. However, the chiropractor shall not establish a
4 practice open to the general public and shall not engage in temporary
5 practice under this section for a period longer than thirty days. The
6 chiropractor shall register his or her intention to engage in the
7 temporary practice of chiropractic in this state with the board of
8 chiropractic examiners before engaging in the practice of chiropractic,
9 and shall agree to be bound by such conditions as may be prescribed by
10 rule by the board.

11 (2) The practice of chiropractic, except the administration of a
12 chiropractic adjustment, by a person who is a regular senior student in
13 an accredited school of chiropractic approved by the board if the
14 practice is part of a regular course of instruction offered by the
15 school and the student is under the direct supervision and control of
16 a chiropractor duly licensed pursuant to this chapter and approved by
17 the board.

18 (3) The practice of chiropractic by a person serving a period of
19 postgraduate chiropractic training in a program of clinical
20 chiropractic training sponsored by a school of chiropractic accredited
21 in this state if the practice is part of his or her duties as a
22 clinical postgraduate trainee and the trainee is under the direct
23 supervision and control of a chiropractor duly licensed pursuant to
24 this chapter and approved by the board.

25 (4) The practice of chiropractic by a person who is eligible and
26 has applied to take the next available examination for licensing
27 offered by the board of chiropractic examiners, except that the
28 unlicensed chiropractor must provide all services under the direct
29 control and supervision of a licensed chiropractor approved by the
30 board. The unlicensed chiropractor may continue to practice as

1 provided by this subsection until the results of the next available
2 examination are published, but in no case for a period longer than six
3 months. The board shall adopt rules necessary to effectuate the intent
4 of this subsection.

5 Any provision of chiropractic services by any individual under
6 subsection (1), (2), (3), or (4) of this section shall be subject to
7 the jurisdiction of the chiropractic disciplinary board as provided in
8 chapters 18.26 and 18.130 RCW."

9 "NEW SECTION. Sec. 11. The board may adopt rules necessary and
10 appropriate to implement sections 1 through 7 of this act."

11 "NEW SECTION. Sec. 12. Sections 1 through 7 of this act are
12 each added to chapter 18.26 RCW."

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16 On page 1, line 1 of the title, after "chiropractic;" strike the
17 remainder of the title and insert "amending RCW 18.25.040 and
18 18.25.090; adding a new section to chapter 18.25 RCW; adding new
19 sections to chapter 18.26 RCW; and creating new sections."