
SECOND SUBSTITUTE SENATE BILL 5792

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators L. Smith, Niemi, Amondson, Jesernig, Thorsness, von Reichbauer and Conner).

Read first time March 11, 1991.

1 AN ACT Relating to chiropractic peer review; adding new sections to
2 chapter 18.26 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** Unless the context clearly requires
5 otherwise, the definitions in this section apply throughout sections 2
6 through 7 of this act.

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

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

1 (3) "Excessive" fees or costs means charges for services that are
2 unnecessary or unreasonable in the judgment of the peer review
3 committee or reviewing subcommittee.

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

6 (5) "Peer review committee" means the committee established under
7 section 2 of this act, or any subcommittee of the peer review committee
8 duly empowered to act for the committee.

9 (6) "Peer review proceeding" or "peer review" means an evaluation,
10 based on accepted standards, by the peer review committee, of the
11 appropriateness, quality, utilization, and cost of health services
12 provided to a patient. Peer review does not include matters related to
13 the licensing, discipline, or scope of practice of any health care
14 profession.

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

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

21 NEW SECTION. **Sec. 2.** The board shall appoint the peer review
22 committee, which shall be constituted as follows: The chair of the
23 peer review committee shall be a member of the board and shall not vote
24 except to break a tie; one chiropractor from each congressional
25 district; one independent member representative of the health insurance
26 industry. The term of appointment of peer review committee members
27 shall be one year, and no member shall serve more than two consecutive
28 terms. The board may appoint additional pro tem members as necessary.
29 Chiropractor members shall have at least five years of active practice

1 in this state. The board shall adopt rules establishing other
2 qualifications for appointment to the peer review committee, including
3 rules to avoid conflict of interest or the appearance of conflict of
4 interest.

5 NEW SECTION. **Sec. 3.** (1) A patient, a patient's
6 representative, an insurer, an agency of the state of Washington, or a
7 chiropractor may request a peer review proceeding by submitting an
8 inquiry about services rendered to a patient by a chiropractor. The
9 board shall, in its discretion, determine whether the inquiry should be
10 reviewed as a peer review proceeding, as a matter for possible
11 voluntary mediation, or as a disciplinary proceeding. Peer review
12 shall not be used to replace the independent medical/chiropractic
13 examination.

14 (2) If the board determines that the inquiry should be reviewed as
15 a peer review proceeding, the board shall assess the requesting party
16 a preliminary fee to cover the estimated cost of the peer review
17 proceeding. Upon completion of the proceeding, the board may adjust
18 the preliminary fee, assessing any party part or all of the cost of the
19 peer review proceeding. In its discretion, the board may waive all or
20 part of the costs of the proceeding. The board shall assess fees for
21 peer review at a sufficient level to defray administrative costs.

22 (3) Request for peer review constitutes consent to submission by
23 any party of all necessary records and other information concerning the
24 health care services reviewed. All information acquired by the board
25 or by the peer review committee shall be subject to the disclosure and
26 confidentiality protections provided in RCW 4.24.250.

27 NEW SECTION. **Sec. 4.** (1) The peer review committee may review
28 matters regarding the appropriateness, quality, utilization, or cost of

1 chiropractic services rendered. The peer review committee on each
2 review shall include in its findings a determination whether
3 appropriate chiropractic treatment was rendered, whether the services
4 rendered were properly utilized services, whether treatment or services
5 rendered or ordered were appropriate in accordance with accepted
6 standards, and whether the fees charged were excessive or not.

7 (2) If the peer review proceeding was conducted by a subcommittee
8 of the peer review committee, any decision or finding of the
9 subcommittee shall be approved or disapproved by the entire committee.

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

13 (4) Any party may appeal the decision to the board. The board, on
14 the record of the peer review committee, may return the proceeding with
15 recommendations to the committee for reconsideration, may initiate
16 disciplinary proceedings, or may approve the decision of the peer
17 review committee, or may take any combination of the above actions.

18 NEW SECTION. **Sec. 5.** The peer review committee shall file
19 with the board a complaint against a chiropractor if the committee
20 determines that reasonable cause exists to believe the chiropractor has
21 committed unprofessional conduct. The peer review committee shall
22 transmit all information pertinent to the complaint to the board. Such
23 information shall be confidential and shall be used solely for
24 disciplinary purposes.

25 NEW SECTION. **Sec. 6.** The peer review committee shall prepare
26 an annual summary of the findings, decisions, and results of the peer
27 review proceedings conducted during the prior calendar year, which

1 shall be made available to the public. Names or information
2 identifying particular patients shall not be included in public reports
3 or summaries.

4 NEW SECTION. **Sec. 7.** The board may adopt rules necessary and
5 appropriate to implement sections 1 through 6 of this act.

6 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act are
7 each added to chapter 18.26 RCW.

8 NEW SECTION. **Sec. 9.** If specific funding for the purposes of
9 this act, referencing the act by bill number, is not provided by June
10 30, 1991 in the omnibus appropriations act, the act shall be considered
11 null and void.