

1 **SHB 1871 - H AMD 000224 ADOPTED 03-16-93**

2 By Representatives Wang, Heavey, Locke and Lemmon

3 Strike everything after the enacting clause and insert the
4 following:

5 "Sec. 1. RCW 51.04.030 and 1989 c 189 s 1 are each amended to
6 read as follows:

7 The director shall, through the division of industrial
8 insurance, supervise the providing of prompt and efficient care and
9 treatment, including care provided by physicians' assistants
10 governed by the provisions of chapters 18.57A and 18.71A RCW,
11 acting under a supervising physician, and including chiropractic
12 care, to workers injured during the course of their employment at
13 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 promulgate and supervise the administration of
18 printed forms, rules, regulations, and practices for the furnishing
19 of such care and treatment: PROVIDED, That, the department may
20 recommend to an injured worker particular health care services and
21 providers where specialized treatment is indicated or where cost
22 effective payment levels or rates are obtained by the department:
23 AND PROVIDED FURTHER, That the department may enter into contracts
24 for goods and services including, but not limited to, durable
25 medical equipment so long as state-wide access to quality service
26 is maintained for injured workers.

27 The director shall make and, from time to time, change as may
28 be, and promulgate a fee bill of the maximum charges to be made by
29 any physician, surgeon, chiropractor, hospital, druggist,
30 physicians' assistants as defined in chapters 18.57A and 18.71A
31 RCW, acting under a supervising physician or other agency or person

1 rendering services to injured workers. No service covered under
2 this title shall be charged or paid at a rate or rates exceeding
3 those specified in such fee bill, and no contract providing for
4 greater fees shall be valid as to the excess.

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

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 51.04
14 RCW to read as follows:

15 The director shall appoint an associate medical director for
16 chiropractic. The associate medical director must be eligible to
17 be licensed under chapter 18.25 RCW.

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 51.36
19 RCW to read as follows:

20 (1) The health services that are available to an injured
21 worker under RCW 51.36.010 include chiropractic treatment in
22 appropriate cases within the scope of practice under chapter 18.25
23 RCW. As appropriate, and subject to the requirements for
24 examinations of workers specified in this title, a worker may be
25 required by the department to undergo chiropractic examination by
26 a chiropractor licensed under chapter 18.25 RCW for the purpose of
27 assisting the department in making determinations for the closure
28 of a claim, in assessing the necessity and appropriateness of
29 chiropractic care, or in making other determinations within the
30 scope of chiropractic practice related to the worker's industrial
31 injury.

1 (2) The department may establish treatment and utilization
2 standards for chiropractic treatment in consultation with
3 representatives of the chiropractic profession. The standards, if
4 any, may be developed in conjunction with the department of health.
5 The standards should include some or all of the following:

6 (a) Standards designed to assure quality treatment and to
7 maximize recovery from the industrial injury;

8 (b) Standards designed to contain costs, consistent with
9 assured access to medically necessary treatment;

10 (c) Standards that permit review of an injured worker's
11 progress toward recovery after a stated number of chiropractic
12 treatments. The standards may require review of chiropractic
13 treatment based on a specified number of treatments, but the
14 standards may not require termination of treatment based solely on
15 the number of treatments.

16 (d) Standards for requesting consultation with chiropractors
17 by the department or other health services providers on the
18 necessity or appropriateness of chiropractic care or other subjects
19 within the chiropractic scope of practice.

20 **Sec. 4.** RCW 51.32.112 and 1988 c 114 ú 2 are each amended to
21 read as follows:

22 (1) The department shall develop standards for the conduct of
23 special medical examinations to determine permanent disabilities,
24 including, but not limited to:

25 (a) The qualifications of persons conducting the examinations;

26 (b) The criteria for conducting the examinations, including
27 guidelines for the appropriate treatment of injured workers during
28 the examination; and

29 (c) The content of examination reports.

30 (2) Within the appropriate scope of practice, chiropractors
31 licensed under chapter 18.25 RCW may conduct special medical
32 examinations to determine permanent disabilities in consultation

1 with physicians licensed under chapter 18.57 or 18.71 RCW. The
2 department, in its discretion, may request that a special medical
3 examination be conducted by a single chiropractor if the department
4 determines that the sole issues involved in the examination are
5 within the scope of practice under chapter 18.25 RCW. However,
6 nothing in this section authorizes the use as evidence before the
7 board of a chiropractor's determination of the extent of a worker's
8 permanent disability if the determination is not requested by the
9 department.

10 (3) The department shall investigate the amount of examination
11 fees received by persons conducting special medical examinations to
12 determine permanent disabilities, including total compensation
13 received for examinations of department and self-insured claimants,
14 and establish compensation guidelines and compensation reporting
15 criteria.

16 ~~((3))~~(4) The department shall investigate the level of
17 compliance of self-insurers with the requirement of full reporting
18 of claims information to the department, particularly with respect
19 to medical examinations, and develop effective enforcement
20 procedures or recommendations for legislation if needed.

21 **Sec. 5.** RCW 51.36.100 and 1986 c 200 ú 1 are each amended to
22 read as follows:

23 The legislature finds and declares it to be in the public
24 interest of the residents of the state of Washington that a proper
25 regulatory and inspection program be instituted in connection with
26 the provision of medical, chiropractic, dental, vocational, and
27 other health services to industrially injured workers pursuant to
28 Title 51 RCW. In order to effectively accomplish such purpose and
29 to assure that the industrially injured worker receives such
30 services as are paid for by the state of Washington, the acceptance
31 by the industrially injured worker of such services, and the
32 request by a provider of services for reimbursement for providing

1 such services, shall authorize the director of the department of
2 labor and industries or the director's authorized representative to
3 inspect and audit all records in connection with the provision of
4 such services.

5 **Sec. 6.** RCW 51.36.110 and 1986 c 200 ú 2 are each amended to
6 read as follows:

7 The director of the department of labor and industries or the
8 director's authorized representative shall have the authority to:

9 (1) Conduct audits and investigations of providers of medical,
10 chiropractic, dental, vocational, and other health services
11 furnished to industrially injured workers pursuant to Title 51 RCW.
12 In the conduct of such audits or investigations, the director or
13 the director's authorized representatives may examine all records,
14 or portions thereof, including patient records, for which services
15 were rendered by a health services provider and reimbursed by the
16 department, notwithstanding the provisions of any other statute
17 which may make or purport to make such records privileged or
18 confidential: PROVIDED, That no original patient records shall be
19 removed from the premises of the health services provider, and that
20 the disclosure of any records or information obtained under
21 authority of this section by the department of labor and industries
22 is prohibited and constitutes a violation of RCW 42.22.040, unless
23 such disclosure is directly connected to the official duties of the
24 department: AND PROVIDED FURTHER, That the disclosure of patient
25 information as required under this section shall not subject any
26 physician or other health services provider to any liability for
27 breach of any confidential relationships between the provider and
28 the patient: AND PROVIDED FURTHER, That the director or the
29 director's authorized representative shall destroy all copies of
30 patient medical records in their possession upon completion of the
31 audit, investigation, or proceedings;

32 (2) Approve or deny applications to participate as a provider

1 of services furnished to industrially injured workers pursuant to
2 Title 51 RCW; and

3 (3) Terminate or suspend eligibility to participate as a
4 provider of services furnished to industrially injured workers
5 pursuant to Title 51 RCW."

EFFECT: Deletes the provisions of the bill that (1) state that chiropractic care must be available to injured workers with limits for the scope of that care; (2) and authorize recoupment for payments made for chiropractic services that are in violation of department rules.

Adds provisions that (1) the care available to injured workers includes chiropractic care in appropriate cases; (2) workers may be required by the department to undergo chiropractic examination to assist in determinations related to closure of the claim and other issues; (3) chiropractic standards may be developed in conjunction with the Department fo Health; (4) standards may require review of chiropractic treatments after a specified number of treatments, but may not require termination of treatment based solely on the number of treatments; (5) standards may also include standards for requesting consultation with chiropractors; (6) chiropractors may conduct special examinations for permanent disability determinations, within the appropriate scope of practice, in consultation with physicians, and the department may request examinations by single chiropractors if the department determines that the sole issues are in the scope of chiropractic practice; and (7) include the specific listing of chiropractors as health services providers under the department's authority to audit and supervise treatment.