

1 **SSB 5736 - H COMM AMD ADOPTED 4-9-93**

2 By Committee on Commerce & Labor

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

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

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

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

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

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

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

1 injury.

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

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

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

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

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

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

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

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

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

30 (c) The content of examination reports.

31 (2) Within the appropriate scope of practice, chiropractors
32 licensed under chapter 18.25 RCW may conduct special medical

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

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

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

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

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

1 request by a provider of services for reimbursement for providing
2 such services, shall authorize the director of the department of
3 labor and industries or the director's authorized representative to
4 inspect and audit all records in connection with the provision of
5 such services.

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

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

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

1 (2) Approve or deny applications to participate as a provider
2 of services furnished to industrially injured workers pursuant to
3 Title 51 RCW; and

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

EFFECT: The amendment adds the following provisions: (1) Chiropractic care is included as health care that is available to injured workers in appropriate cases; (2) injured workers may be required to undergo chiropractic examinations to assist the Department of Labor and Industries in making relevant chiropractic care determinations; (3) within the scope of practice, chiropractors may conduct special medical examinations for permanent disabilities in consultation with physicians and the department may request single chiropractor examinations in appropriate cases; (4) chiropractic standards may be developed, but no standard may require termination of treatment based solely on the number of treatments; and (5) chiropractors are included as providers subject to the department's audit and fee schedule authority.