

HOUSE BILL REPORT

HB 2526

As Reported By House Committee On:
Commerce & Labor

Title: An act relating to chiropractic care for industrial insurance.

Brief Description: Including chiropractic care in health services available under industrial insurance.

Sponsors: Representatives Heavey, Chandler, Anderson, Wineberry, Campbell, Casada, Chappell, Morris, Kessler, Dorn, King, Carlson, Conway, G. Cole, R. Meyers, Hansen, Pruitt, Bray, J. Kohl, Jones, Leonard, Holm, Moak, Eide, Roland, Scott, Grant, Quall, Kremen, Schoesler, Talcott and Springer.

Brief History:

Reported by House Committee on:
Commerce & Labor, February 2, 1994, DPS.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer and Veloria.

Staff: Chris Cordes (786-7117).

Background: Under the industrial insurance law, an injured worker is entitled to proper and necessary medical care from a physician of the worker's choice. The Department of Labor and Industries is charged with supervising the provision of medical care.

In 1993, legislation was enacted that included chiropractic care within the department's supervisory and audit authority. The legislation also authorizes chiropractors to conduct special medical examinations for determining permanent disabilities in consultation with physicians. The Governor vetoed provisions specifying that chiropractic services are available to injured workers in appropriate cases and that workers could be required to undergo chiropractic examinations in certain circumstances.

Summary of Substitute Bill: The health services that are available to an injured worker include chiropractic care and evaluation.

Injured workers may be required by the Department of Labor and Industries to undergo chiropractic examination to assist the department in making claims determinations.

Substitute Bill Compared to Original Bill: The substitute bill deletes language that would have required inclusion of a chiropractor in an examination of an injured worker when the worker had been under the care of a chiropractor. The requirement for injured workers to undergo chiropractic examination for opening, reopening or closing a claim is changed to require injured workers to have examinations when the examination will assist the department in making claims determinations.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The Governor's veto on this issue was directed at a part of the section that is not proposed in this bill. There is agreement that the mandatory language in the bill is too inflexible. The bill is not intended to require the Department of Labor and Industries to provide unnecessary services but simply to follow the usual policies that apply to other medical providers.

Testimony Against: The bill as drafted may have the unintended result of requiring the Department of Labor and Industries to recognize and pay for treatment that is not currently accepted as standard chiropractic treatment. If chiropractors are required to be on the examination panel in every case where chiropractic treatment was given to the injured worker, it will have a large fiscal impact. The department's new associate medical director for chiropractic is developing standards that will guide the department in including chiropractors in the examination process. There is a concern that this bill will set a precedence for other providers to request special statutes that govern when they will provide services to injured workers. This bill may also create further opportunities for litigation because of the ambiguity of the bill's requirements.

Substitute language could be developed that will codify the department's practice and avoid these issues.

Witnesses: (In favor of original bill) Steve Wehrly, Washington State Chiropractic Association; and Dennis

Martin, Washington State Trial Lawyers Association.
(Opposed to original bill) Linda Murphy, Department of Labor
and Industries; and Clif Finch, Association of Washington
Business.