
SUBSTITUTE HOUSE BILL 1871

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Heavey, Kessler and Lemmon)

Read first time 03/03/93.

1 AN ACT Relating to chiropractic care for industrial insurance;
2 amending RCW 51.04.030; and adding a new chapter to Title 51 RCW.

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

4 NEW SECTION. **Sec. 1.** (1) Chiropractic care must be available to
5 an injured worker under this title. The care must be within the scope
6 of practice under chapter 18.25 RCW and limited to the treatment of
7 conditions until resolution by reaching a preaccident status or maximum
8 medical improvement. The provision of maintenance care or wellness
9 care is expressly prohibited.

10 (2) In appropriate cases within the chiropractic scope of practice,
11 a chiropractor licensed to practice under chapter 18.25 RCW must be
12 included among those health care providers authorized to recommend
13 closure of claims, to determine the necessity and appropriateness of
14 chiropractic care, and to examine injured workers to assist the
15 department in determinations of permanent disability.

16 NEW SECTION. **Sec. 2.** The department shall establish treatment and
17 utilization standards for chiropractic treatment in consultation with

1 representatives of the chiropractic profession. The standards should
2 include some or all of the following:

3 (1) Standards designed to assure quality treatment and to maximize
4 recovery from the work-related injury;

5 (2) Standards designed to contain costs, consistent with assured
6 access to medically necessary treatment;

7 (3) Standards that permit review of an injured worker's progress
8 toward recovery after a stated number of chiropractic treatments, but
9 no standard may require termination of treatment after a stated number
10 of treatments and any standard shall be consistent with sound
11 management practice and budgeting discretion. This initial review must
12 be by a chiropractor or a panel of chiropractors licensed to practice
13 under chapter 18.25 RCW and appointed by the director or director's
14 designee. If further chiropractic treatment is recommended by the
15 reviewer and authorized by the department, the standard may require
16 further reviews after an additional number of treatments to be
17 conducted by one or more chiropractors, other than the attending
18 chiropractor, and one or more physicians licensed to practice under
19 chapter 18.71 RCW. The standard must determine the responsibilities of
20 the additional reviewers.

21 NEW SECTION. **Sec. 3.** The director shall appoint an assistant
22 director for chiropractic treatment. The assistant director must be
23 licensed under chapter 18.25 RCW. The assistant director shall:

24 (1) Serve as principal liaison between the department and the
25 chiropractic profession;

26 (2) Provide chiropractic consultation to claims staff and other
27 department staff as needed;

28 (3) Develop chiropractic treatment and utilization standards and
29 propose changes to the standards as needed;

30 (4) Monitor current research and treatment developments within the
31 chiropractic profession and the field of occupational health; and

32 (5) Perform other duties assigned by the director.

33 NEW SECTION. **Sec. 4.** The director of the department of labor and
34 industries or the director's authorized representative shall have the
35 authority to:

36 (1) Conduct audits and investigations of providers of chiropractic
37 services furnished to industrially injured workers pursuant to Title 51

1 RCW. In the conduct of such audits or investigations, the director or
2 the director's authorized representatives shall examine all pertinent
3 records, or portions thereof, including patient records, and shall
4 conduct interviews as appropriate with the injured worker and claims
5 staff who handled the claim, notwithstanding the provisions of any
6 other statute which may make or purport to make such records privileged
7 or confidential: PROVIDED, That no original patient records shall be
8 removed from the premises of the provider, and that the disclosure of
9 any records or information obtained under authority of this section by
10 the department of labor and industries is prohibited and constitutes a
11 violation of RCW 42.22.040, unless such disclosure is directly
12 connected to the official duties of the department: AND PROVIDED
13 FURTHER, That the disclosure of patient information as required under
14 this section shall not subject any provider to any liability for breach
15 of any confidential relationships between the provider and the patient:
16 AND PROVIDED FURTHER, That the director or the director's authorized
17 representative shall destroy all copies of patient medical records in
18 their possession upon completion of the audit, investigation, or
19 proceedings;

20 (2) Deny or reduce payment or demand reimbursement or recoupment,
21 with or without a penalty, of sums paid to providers of chiropractic
22 services for services billed in violation of medical aid rules or fees
23 schedules. If the amounts paid are determined to be unnecessary care,
24 recoupment is not mandated until any appeals are concluded and final
25 findings are issued. If payment to a provider has been induced by
26 fraud the department may terminate or suspend eligibility to
27 participate as a provider of services furnished to any workers covered
28 under this title and RCW 51.32.240(4) applies;

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

32 (4) Terminate or suspend eligibility to participate as a provider
33 of chiropractic services furnished to industrially injured workers
34 pursuant to Title 51 RCW.

35 **Sec. 5.** RCW 51.04.030 and 1989 c 189 s 1 are each amended to read
36 as follows:

37 The director shall, through the division of industrial insurance,
38 supervise the providing of prompt and efficient care and treatment,

1 including care provided by physicians' assistants governed by the
2 provisions of chapters 18.57A and 18.71A RCW, acting under a
3 supervising physician, and including chiropractic care described under
4 section 1 of this act, to workers injured during the course of their
5 employment at the least cost consistent with promptness and efficiency,
6 without discrimination or favoritism, and with as great uniformity as
7 the various and diverse surrounding circumstances and locations of
8 industries will permit and to that end shall, from time to time,
9 establish and promulgate and supervise the administration of printed
10 forms, rules, regulations, and practices for the furnishing of such
11 care and treatment: PROVIDED, That, the department may recommend to an
12 injured worker particular health care services and providers where
13 specialized treatment is indicated or where cost effective payment
14 levels or rates are obtained by the department: AND PROVIDED FURTHER,
15 That the department may enter into contracts for goods and services
16 including, but not limited to, durable medical equipment so long as
17 state-wide access to quality service is maintained for injured workers.

18 The director shall make and, from time to time, change as may be,
19 and promulgate a fee bill of the maximum charges to be made by any
20 physician, surgeon, chiropractor, hospital, druggist, physicians'
21 assistants as defined in chapters 18.57A and 18.71A RCW, acting under
22 a supervising physician or other agency or person rendering services to
23 injured workers. No service covered under this title shall be charged
24 or paid at a rate or rates exceeding those specified in such fee bill,
25 and no contract providing for greater fees shall be valid as to the
26 excess.

27 The director or self-insurer, as the case may be, shall make a
28 record of the commencement of every disability and the termination
29 thereof and, when bills are rendered for the care and treatment of
30 injured workers, shall approve and pay those which conform to the
31 promulgated rules, regulations, and practices of the director and may
32 reject any bill or item thereof incurred in violation of the principles
33 laid down in this section or the rules and regulations promulgated
34 under it.

35 NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act shall
36 constitute a new chapter in Title 51 RCW.

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