
HOUSE BILL 1871

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Heavey, Kessler and Lemmon

Read first time 02/12/93. Referred to Committee on Commerce & Labor.

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) A chiropractor licensed to practice under chapter 18.25 RCW
11 must be included among those health care providers authorized to
12 recommend closure of claims and to examine injured workers to assist
13 the department in determinations of permanent disability.

14 (3) If chiropractic evaluation is provided to an injured worker
15 under this title for a reason other than permanent disability
16 determination, the chiropractor providing the evaluation, either
17 independently or in consultation with other chiropractors, shall
18 determine the necessity and appropriateness of the care provided.

1 NEW SECTION. **Sec. 2.** A fee bill of maximum charges for
2 chiropractic treatment established by the director under RCW 51.04.030
3 must be based on the usual and customary charges for those services as
4 provided in this state.

5 NEW SECTION. **Sec. 3.** The department shall establish treatment and
6 utilization standards for chiropractic treatment in consultation with
7 representatives of the chiropractic profession. The standards should
8 include some or all of the following:

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

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

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

25 NEW SECTION. **Sec. 4.** If conducting an audit or a review of a
26 chiropractor, as authorized under this chapter or chapter 51.36 RCW,
27 the director or director's authorized representative shall, to the
28 extent practicable:

29 (1) Conduct treatment reviews during an active course of treatment
30 rather than after treatment has concluded; and

31 (2) Utilize the chiropractic peer review committee and procedures
32 established under chapter 18.26 RCW.

33 NEW SECTION. **Sec. 5.** The director shall appoint an assistant
34 director for chiropractic treatment. The assistant director must be
35 licensed under chapter 18.25 RCW. The assistant director shall:

- 1 (1) Serve as principal liaison between the department and the
2 chiropractic profession;
- 3 (2) Provide chiropractic consultation to claims staff and other
4 department staff as needed;
- 5 (3) Develop chiropractic treatment and utilization standards as set
6 forth in section 4 of this act and propose changes to the standards as
7 needed;
- 8 (4) Monitor current research and treatment developments within the
9 chiropractic profession and the field of occupational health; and
- 10 (5) Perform other duties assigned by the director.

11 NEW SECTION. **Sec. 6.** The director of the department of labor and
12 industries or the director's authorized representative shall have the
13 authority to:

- 14 (1) Conduct audits and investigations of providers of chiropractic
15 services furnished to industrially injured workers pursuant to Title 51
16 RCW. In the conduct of such audits or investigations, the director or
17 the director's authorized representatives shall examine all pertinent
18 records, or portions thereof, including patient records, and shall
19 conduct interviews with the injured worker and claims staff who handled
20 the claim, for which services were rendered by a health services
21 provider and reimbursed by the department, notwithstanding the
22 provisions of any other statute which may make or purport to make such
23 records privileged or confidential: PROVIDED, That no original patient
24 records shall be removed from the premises of the health services
25 provider, and that the disclosure of any records or information
26 obtained under authority of this section by the department of labor and
27 industries is prohibited and constitutes a violation of RCW 42.22.040,
28 unless such disclosure is directly connected to the official duties of
29 the department: AND PROVIDED FURTHER, That the disclosure of patient
30 information as required under this section shall not subject any
31 physician or other health services provider to any liability for breach
32 of any confidential relationships between the provider and the patient:
33 AND PROVIDED FURTHER, That the director or the director's authorized
34 representative shall destroy all copies of patient medical records in
35 their possession upon completion of the audit, investigation, or
36 proceedings;
- 37 (2) Deny or reduce payment or demand reimbursement or recoupment,
38 with or without a penalty, of sums paid to providers for services

1 billed in violation of medical aid rules or fees schedules. For
2 amounts paid within the twelve calendar months immediately preceding
3 the date of the demand, if the amounts paid are determined to be
4 unnecessary care by due process, recoupment is not mandated until any
5 appeals are concluded and final findings are issued. If payment to a
6 provider has been induced by fraud the department may terminate or
7 suspend eligibility to participate as a provider of services furnished
8 to any workers covered under this title and RCW 51.32.240(4) applies;

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

12 (4) Terminate or suspend eligibility to participate as a provider
13 of services furnished to industrially injured workers pursuant to Title
14 51 RCW.

15 **Sec. 7.** RCW 51.04.030 and 1989 c 189 s 1 are each amended to read
16 as follows:

17 The director shall, through the division of industrial insurance,
18 supervise the providing of prompt and efficient care and treatment,
19 including care provided by physicians' assistants governed by the
20 provisions of chapters 18.57A and 18.71A RCW, acting under a
21 supervising physician, and including chiropractic care described under
22 section 1 of this act, to workers injured during the course of their
23 employment at the least cost consistent with promptness and efficiency,
24 without discrimination or favoritism, and with as great uniformity as
25 the various and diverse surrounding circumstances and locations of
26 industries will permit and to that end shall, from time to time,
27 establish and promulgate and supervise the administration of printed
28 forms, rules, regulations, and practices for the furnishing of such
29 care and treatment: PROVIDED, That, the department may recommend to an
30 injured worker particular health care services and providers where
31 specialized treatment is indicated or where cost effective payment
32 levels or rates are obtained by the department: AND PROVIDED FURTHER,
33 That the department may enter into contracts for goods and services
34 including, but not limited to, durable medical equipment so long as
35 state-wide access to quality service is maintained for injured workers.

36 The director shall make and, from time to time, change as may be,
37 and promulgate a fee bill of the maximum charges to be made by any
38 physician, surgeon, chiropractor, hospital, druggist, physicians'

1 assistants as defined in chapters 18.57A and 18.71A RCW, acting under
2 a supervising physician or other agency or person rendering services to
3 injured workers. No service covered under this title shall be charged
4 or paid at a rate or rates exceeding those specified in such fee bill,
5 and no contract providing for greater fees shall be valid as to the
6 excess.

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

15 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act shall
16 constitute a new chapter in Title 51 RCW.

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