

ESHB 2160 - S AMD 630

By Senators Benton, Taylor

WITHDRAWN 03/06/2014

1 On page 9, after line 21, insert the following:

2

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 18.25 RCW
4 to read as follows:

5 (1) Subject to the limitations of this section, a chiropractor may
6 practice physical therapy only after being issued a physical therapy
7 endorsement by the secretary. The secretary, upon approval by the
8 commission, shall issue an endorsement to a chiropractor who has at
9 least one year of full-time, orthopedic, postgraduate practice
10 experience that consists of direct patient care and averages at least
11 thirty-six hours a week and who provides evidence in a manner
12 acceptable to the commission of all of the following additional
13 requirements:

14 (a) Training in mechanical, physiological, and development
15 impairment diagnosis of no less than one hundred hours outlined within
16 a course curriculum;

17 (b) Didactic and practical training related to the delivery of
18 physical therapy procedures of no less than two hundred fifty hours
19 clearly delineated and outlined in a course curriculum; and

20 (c) At least three hundred hours of supervised clinical practical
21 experience in physical therapy procedures. The supervised clinical
22 practical experience must:

23 (i) Be supervised by a clinical supervisor who:

24 (A) Holds a physical therapy endorsement under this section;

25 (B) Is a licensed physical therapist; or

26 (C) Holds an endorsement or advanced certification the training

27

1 requirements for which are commensurate with the training requirements
2 in this section;

3 (ii) Be under the close supervision of the clinical supervisor for
4 a minimum of the first one hundred fifty hours of the supervised
5 clinical practical experience, after which the supervised clinical
6 practical experience must be under the direct supervision of the
7 clinical supervisor;

8 (iii) Be completed within eighteen months of completing the
9 educational requirements in (a) and (b) of this subsection, unless the
10 chiropractor has completed the educational requirements in (a) and (b)
11 of this subsection prior to the effective date of this section, in
12 which case the supervised clinical practical experience must be
13 completed by January 1, 2017.

14 (2) A chiropractor holding a physical therapy endorsement under
15 subsection (1) of this section shall consult with a health care
16 practitioner, other than a chiropractor, authorized to practice
17 physical therapy if physical therapy procedures are required beyond
18 six treatments.

19 (3) A chiropractor holding a physical therapy endorsement under
20 subsection (1) of this section may not:

21 (a) Have a practice in which physical therapy constitutes the
22 majority of the services provided;

23 (b) Evaluate the function of a patient wearing an orthosis or
24 prosthesis as defined in RCW 18.200.010 or provide a patient with such
25 such orthoses;

26 (c) Delegate physical therapy; or

27 (d) Bill a health carrier for physical therapy separately from, or
28 in addition to, other chiropractic procedures.

29 (4) A chiropractor holding a physical therapy endorsement under
30 this section shall complete at least ten hours of continuing education
31 per continuing competency reporting period directly related to
32 physical therapy. At least five hours of the training required under
33 this subsection must be related to procedural technique and
34 application of physical therapy.

1 (5) If a chiropractor is intending to perform physical therapy on
2 a patient who the chiropractor knows is being treated by a physical
3 therapist for the same diagnosis, the chiropractor shall make
4 reasonable efforts to coordinate patient care with the physical
5 therapist to prevent conflict or duplication of services.

6 (6) By November 15, 2019, the commission shall report to the
7 legislature any disciplinary actions taken against chiropractors whose
8 performance of physical therapy resulted in physical harm to a
9 patient. Prior to finalizing the report required under this
10 subsection, the commission shall consult with the board of physical
11 therapy.

12
13 **Sec. 7.** RCW 18.25.005 and 2002 c 225 s 1 are each amended to read
14 as follows:

15 (1) Chiropractic is the practice of health care that deals with
16 the diagnosis or analysis and care or treatment of the vertebral
17 subluxation complex and its effects, articular dysfunction, and
18 musculoskeletal disorders, all for the restoration and maintenance of
19 health and recognizing the recuperative powers of the body.

20 (2) Chiropractic treatment or care includes the use of procedures
21 involving spinal adjustments and extremity manipulation. Chiropractic
22 treatment also includes the use of heat, cold, water, exercise,
23 massage, trigger point therapy, dietary advice and recommendation of
24 nutritional supplementation, the normal regimen and rehabilitation of
25 the patient, the practice of physical therapy, first aid, and
26 counseling on hygiene, sanitation, and preventive measures.
27 Chiropractic care also includes such physiological therapeutic
28 procedures as traction and light, but does not include procedures
29 involving the application of sound, diathermy, or electricity.

30 (3) As part of a chiropractic differential diagnosis, a
31 chiropractor shall perform a physical examination, which may include
32 diagnostic x-rays, to determine the appropriateness of chiropractic
33 care or the need for referral to other health care providers. The
34 chiropractic quality assurance commission shall provide by rule for

1 the type and use of diagnostic and analytical devices and procedures
2 consistent with this chapter.

3 (4) Chiropractic care shall not include the prescription or
4 dispensing of any medicine or drug, the practice of obstetrics or
5 surgery, the use of x-rays or any other form of radiation for
6 therapeutic purposes, colonic irrigation, or any form of venipuncture.

7 (5) Nothing in this chapter prohibits or restricts any other
8 practitioner of a "health profession" defined in RCW 18.120.020(4)
9 from performing any functions or procedures the practitioner is
10 licensed or permitted to perform, and the term "chiropractic" as
11 defined in this chapter shall not prohibit a practitioner licensed
12 under chapter 18.71 RCW from performing medical procedures, except
13 such procedures shall not include the adjustment by hand of any
14 articulation of the spine.

15
16 **Sec. 8.** RCW 18.25.006 and 2002 c 225 s 2 are each amended to read
17 as follows:

18 Unless the context clearly requires otherwise, the definitions in
19 this section apply throughout this chapter.

20 (1) "Department" means the department of health.

21 (2) "Secretary" means the secretary of the department of health or
22 the secretary's designee.

23 (3) "Chiropractor" means an individual licensed under this
24 chapter.

25 (4) "Commission" means the Washington state chiropractic quality
26 assurance commission.

27 (5) "Vertebral subluxation complex" means a functional defect or
28 alteration of the biomechanical and physiological dynamics in a joint
29 that may cause neuronal disturbances, with or without displacement
30 detectable by X-ray. The effects of the vertebral subluxation complex
31 may include, but are not limited to, any of the following: Fixation,
32 hypomobility, hypermobility, periarticular muscle spasm, edema, or
33 inflammation.

34

1 (6) "Articular dysfunction" means an alteration of the
2 biomechanical and physiological dynamics of a joint of the axial or
3 appendicular skeleton.

4 (7) "Musculoskeletal disorders" means abnormalities of the
5 muscles, bones, and connective tissue.

6 (8) "Chiropractic differential diagnosis" means a diagnosis to
7 determine the existence of a vertebral subluxation complex, articular
8 dysfunction, or musculoskeletal disorder, and the appropriateness of
9 chiropractic care or the need for referral to other health care
10 providers.

11 (9) "Chiropractic adjustment" means chiropractic care of a
12 vertebral subluxation complex, articular dysfunction, or
13 musculoskeletal disorder. Such care includes manual or mechanical
14 adjustment of any vertebral articulation and contiguous articulations
15 beyond the normal passive physiological range of motion.

16 (10) "Extremity manipulation" means a corrective thrust or
17 maneuver applied to a joint of the appendicular skeleton.

18 (11) "Practice of physical therapy" means:

19 (a) Examining, evaluating, and testing individuals with
20 mechanical, physiological, and developmental impairments, functional
21 limitations in movement, and disability or other health and movement-
22 related conditions in order to determine a diagnosis, prognosis, plan
23 of therapeutic intervention, and to assess and document the ongoing
24 effects of intervention;

25 (b) Alleviating impairments and functional limitations in movement
26 by designing, implementing, and modifying therapeutic interventions
27 that include therapeutic exercise; functional training related to
28 balance, posture, and movement to facilitate self-care and
29 reintegration into home, community, or work; manual therapy including
30 soft tissue and joint mobilization and manipulation; therapeutic
31 massage; airway clearance techniques; physical agents or modalities;
32 mechanical and electrotherapeutic modalities; and patient-related
33 instruction; and

34

1 (c) Reducing the risk of injury, impairment, functional
2 limitation, and disability related to movement, including the
3 promotion and maintenance of fitness, health, and quality of life in
4 all age populations.

5 (12) "Direct supervision" means the supervisor must (a) be
6 continuously on-site and present in the department or facility where
7 the person being supervised is performing services; (b) be immediately
8 available to assist the person being supervised in the services being
9 performed; and (c) maintain continued involvement in appropriate
10 aspects of each treatment session in which a component of treatment is
11 required to be directly supervised under section 6 of this act.

12 (13) "Close supervision" means the supervisor has personally
13 diagnosed the condition to be treated and has personally authorized
14 the procedures to be performed. The supervisor is continuously on-
15 site and physically present in the operatory while the procedures are
16 performed and capable of responding immediately in the event of an
17 emergency.

18
19 NEW SECTION. Sec. 9. A new section is added to chapter 18.25 RCW
20 to read as follows:

21 (1) Chiropractors must not advertise that they practice physical
22 therapy of any kind.

23 (2) A violation of this section is unprofessional conduct under
24 this chapter and chapter 18.130 RCW.

25
26 Renumber the remaining sections consecutively and correct any
27 internal references accordingly.

EFFECT: Allows chiropractors to practice certain physical therapy
(PT) procedures if endorsed by the Secretary of Health.

To receive a PT endorsement, a chiropractor must complete: (1)
at least 100 hours of mechanical, physiological, and development
impairment diagnosis training; (2) at least 250 hours of
didactic and practical PT procedure training; and (3) at least 300
hours of supervised clinical practical experience in PT procedure.

An endorsed chiropractor may not: (1) have a practice in which
PT constitutes the majority of the services provided; (2) evaluate

the function of a patient wearing an orthosis or prosthesis or provide a patient with such such orthoses; (3) delegate PT; (4) bill a health carrier for PT separately from, or in addition to, other chiropractic procedures; or (5) advertise they practice PT.

An endorsed chiropractor must: (1) consult with another provider licensed to practice PT if a patient requires more than six PT treatments; (2) make reasonable efforts to coordinate patient care with a concurrently treating physical therapist; and (3) complete 10 hours of PT-related continuing education in each reporting period.

By November 15, 2019, the commission, in consultation with the board of physical therapy, must report to the Legislature any disciplinary actions taken against chiropractors whose performance of PT resulted in physical harm to a patient.

--- END ---