

State of Washington

Chiropractic Disciplinary Board

(name of governing body)

(agency name, if applicable)

Resolution No. \_\_\_\_\_

Administrative Order No. PM 693

(1) Be it resolved by the Chiropractic Disciplinary Board,  
acting at Seattle, WA 98188  
(place)

that it does adopt the annexed rules relating to:

Amending WAC 113-12-150, 113-12-195, and 113-12-200, and adopting WAC 113-12-300, 113-12-310, 113-12-320, 113-12-330, 113-12-340, and 113-12-350, relating to mandatory reporting

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 87-19-131  
filed with the code reviser on 9-22-87. These rules shall take effect:  
 thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).  
 at a later date, such date being \_\_\_\_\_

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, \_\_\_\_\_, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026<sup>1</sup> that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

(a) This rule is promulgated pursuant to RCW 18.130.070 for WAC 113-12-350 and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW 18.26.110 which directs that the

Chiropractic Disciplinary Board  
(agency)

has authority to implement the provisions of chapter 18.26 RCW

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the \_\_\_\_\_  
(agency)

as authorized in RCW \_\_\_\_\_

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this governing body, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON  
FILED  
October 29, 19 87

DEC 1 1987

By Leslie B. White, D.C.  
LESLIE B. WHITE, D.C.  
Chairman

CODE REVISER'S OFFICE  
WSR 87-24-064

AMENDATORY SECTION (Amending Order PL 453, filed 12/16/83)

WAC 113-12-150 ETHICAL STANDARDS--PROHIBITED PUBLICITY AND ADVERTISING. (1) A chiropractor shall not, on behalf of himself, his partner, associate or any other chiropractor affiliated with his office or clinic, use or allow to be used ~~([7-])~~, any form of public communications or advertising which is false, fraudulent, deceptive or misleading, including, but not limited to, such advertising which takes any of the following forms which are prohibited:

- (a) Advertising which guarantees any result or cure;
- (b) Advertising which makes claims of professional superiority;
- (c) Advertising which fails to differentiate chiropractic care from all other methods of healing;
- (d) Advertising for a service outside the practice of chiropractic as permitted in Washington.

(2) A chiropractor shall, upon request made by the board, provide the board with substantiation of the truth and accuracy of any and all claims made in his or her advertisements.

(3) Advertising is prohibited which offers gratuitous goods or services or discounts in connection with chiropractic services, unless the chiropractor provides a disclosure statement to be signed by the patient which explains:

- (i) When there will be a charge for goods and services;
- (ii) When the free services have been completed and that any additional services the patient requests are subject to charge; or
- (iii) When the discount has been exhausted and any additional services will be subject to full charge: PROVIDED, That this subsection shall not be construed to relate to the negotiation of fee between chiropractors and patients or to prohibit the rendering of chiropractic services for which no fee is charged.

NEW SECTION

WAC 113-12-300 MANDATORY REPORTING DEFINITIONS. (1) "Unprofessional conduct" as used in these regulations shall mean the conduct described in RCW 18.130.180 and 18.26.030.

(2) "Board" means the chiropractic disciplinary board, whose address is:

Department of Licensing  
Professional Programs  
Management Division  
P. O. Box 9012  
Olympia, WA 98504-8001

(3) "Chiropractor" means a person licensed pursuant to chapter 18.25 RCW.

(4) "Mentally or physically disabled chiropractor" means a chiropractor who has either been determined by a court to be mentally incompetent or mentally ill or who is unable to practice chiropractic with reasonable skill and safety to patients by reason of any mental or physical condition.

NEW SECTION

WAC 113-12-310 MANDATORY REPORTING. (1) All reports required by these regulations shall be submitted to the board as soon as possible, but no later than sixty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name, address, and telephone numbers of the chiropractor being reported.

(c) The name of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid the evaluation of the report.

#### NEW SECTION

WAC 113-12-320 CHIROPRACTIC ASSOCIATIONS OR SOCIETIES. The president or chief executive officer of any chiropractic association or society within this state shall report to the board when an association or society determines that a chiropractor has committed unprofessional conduct or that a chiropractor may not be able to practice chiropractic with reasonable skill and safety to patients as the result of any mental or physical condition and constitutes an apparent risk to the public health, safety, or welfare. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

#### NEW SECTION

WAC 113-12-330 INSURANCE CARRIERS. The executive officer of every insurer, licensed under Title 48 RCW operating in the state of Washington, shall report to the board any evidence that a chiropractor has charged fees for chiropractic services not actually provided, or has otherwise committed unprofessional conduct.

#### NEW SECTION

WAC 113-12-340 PROFESSIONAL LIABILITY CARRIERS. Every institution or organization providing professional liability insurance directly or indirectly to chiropractors shall send a complete report of any malpractice settlement, award or payment over thirty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured chiropractor's incompetency or negligence in the practice of chiropractic. Such institution or organization shall also report the payment of three or more claims during a year as the result of alleged incompetency or negligence in the practice of chiropractic regardless of the dollar amount of the payment.

NEW SECTION

WAC 113-12-350 COURTS. The board requests the assistance of all clerks of trial courts within the state to report all professional malpractice judgments and all criminal convictions of licensed chiropractors, other than for minor traffic violations.

AMENDATORY SECTION (Amending Order PL 497, filed 11/15/84)

WAC 113-12-200 SCOPE OF PRACTICE--REVOCATION OR SUSPENSION OF LICENSE AUTHORIZED FOR PRACTICE OUTSIDE SCOPE. (1) The chiropractic disciplinary board finds that over the past few years there has been an increasing number of persons licensed as chiropractors who have been practicing other healing arts while holding themselves out to the public as chiropractors to the detriment of the public health and welfare of the state of Washington and contrary to the legislative directive contained in RCW 18.26.010(5). The board further finds and deems it necessary to carry out the provisions of chapter 18.26 RCW that this rule be adopted to give guidance to members of the profession, and the public, in interpreting for purposes of application by the disciplinary board of RCW 18.26.030, the scope of health care which comes within the definition of chiropractic in RCW 18.25.005 and which is authorized under a license to practice chiropractic in the state of Washington.

(2) RCW 18.25.005 defines the term "chiropractic" for purposes of chapters 18.25 and 18.26 RCW, as that practice of health care which deals with the detection of subluxations, which shall be defined as any alteration of the biomechanical and physiological dynamics of contiguous spinal structures which can cause neuronal disturbances, the chiropractic procedure preparatory to, and complementary to the correction thereof, by adjustment or manipulation of the articulations of the vertebral column and its immediate articulations for the restoration and maintenance of health; it includes the normal regimen and rehabilitation of the patient, physical examination to determine the necessity for chiropractic care, the use of x-ray and other analytical instruments generally used in the practice of chiropractic: PROVIDED, That no chiropractor shall prescribe or dispense any medicine or drug nor practice obstetrics or surgery nor use x-rays for therapeutic purposes: PROVIDED, HOWEVER, That the term "chiropractic" as defined in this act shall not prohibit a practitioner licensed under chapter 18.71 RCW from performing accepted medical procedures, except such procedures shall not include the adjustment by hand of any articulation of the spine: AND PROVIDED FURTHER, That nothing herein shall be construed to prohibit the rendering of dietary advice.

(3) The board finds that the following diagnostic techniques and procedures, by whatever name known, are not within the definition of "chiropractic" as specified in subsection (2) ((above)) of this section and in RCW 18.25.005, and, consequently, a license to practice chiropractic does not authorize their use:

- (a) The use of x-rays or other forms of radiation for any other reason than to x-ray the human skeleton.
- (b) The use of any form of electrocardiogram.
- (c) The testing and reduction to mathematical formulae of sputum and/or urine (commonly known as "Reams" testing).
- (d) Hair analysis.
- (e) The use of a vasculizer or plethysonograph (commonly known as plethysmography) except for research purposes.
- (f) The use of iridology.
- (g) The taking of blood samples.

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other diagnostic technique or procedure is outside the scope of chiropractic practice.

(4) The board finds that the following treatment modalities, by whatever name known, are not within the definition of "chiropractic" as specified in subsection (2) ((above)) of this section and in RCW 18.25.005 and, consequently, a license to practice chiropractic does not authorize their use:

- (a) Ultrasound, diathermy, high voltage galvanic therapy and x-rays or other radiation.
- (b) Colonic irrigation.
- (c) Extremity adjusting, which is complementary to and/or preparatory to a spinal adjustment and not solely as a treatment of a specific extremity condition. unless *John H. Keith M.A.G.*

(d) Electrotherapy.

(e) The use of a transcutaneous electrical nerve stimulator (TENS).

(f) The use of the endonasal technique.

(g) The use of any type of casting other than light body casting.

(h) The use of meridian therapy, ~~((f))~~ whether known as "acupressure," ~~(("trigger-point-therapy"))~~ or the same type of therapy under any other name ~~((f))~~s.

(i) The use of hypnosis for any other than relaxation purposes.

(j) The use of clinical herbology.

(k) Adjustment of the temporomandibular joint unless used preparatory to or complimentary to the correction of a spinal subluxation and not as the sole treatment of a dysfunction in the temporomandibular joint.

(l) Furnishing foot orthotics unless provided complementary to and/or preparatory to a spinal adjustment and not solely as a treatment of a specific foot condition.

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other treatment modalities are outside the scope of chiropractic practice.

(5) ~~((In--accord--with--the--legislative--directive--of--RCW 18-26-010(5),))~~ The use by a chiropractor of diagnostic techniques or procedures or treatment modalities which are outside the definition of chiropractic in RCW 18.25.005, whether or not listed in this rule, or the use by a chiropractor of any of the diagnostic techniques and procedures listed in subsection (3) ((above)) of this section or the use by a chiropractor of any of the treatment modalities listed in subsection (4) ((above)) of this section shall constitute unprofessional conduct under RCW ~~((18-26-030--(40)--and--(41))~~ 18.130.180(12) which shall be good and sufficient cause for revocation or suspension of that chiropractor's license to practice chiropractic in Washington.

AMENDATORY SECTION (Amending Order PM 640, filed 2/18/87)

WAC 113-12-195 FULL DISCLOSURE OF COST OF SERVICES. (1) This rule will apply to all representations made in public advertising regarding the provision of chiropractic services, including x-rays or chiropractic examinations, on a free basis or at a reduced cost. This rule will also apply to all billings or other written or oral communications regarding charges for chiropractic services whether made to patients, third party health care payors, or to any other person, firm, or governmental agency.

(2) When a chiropractic service is represented in public advertising as available without cost or at a reduced cost that service must be made available to everyone who wishes to take advantage of the offer on an equal basis. No charge may be made to any individual or third party health care payor for any services which have been provided on a free basis unless full disclosure is made.

(3) All billings to third party payors for patients who are also being treated for an unrelated condition must fully disclose the additional treatment being provided and the charges for that treatment.

(4) Billings to patients or to third party health care payors should accurately reflect the actual charge to the patient, including any discounts, reduced fees, or waiver of co-payment.