
SENATE BILL 5736

State of Washington

53rd Legislature

1993 Regular Session

By Senators Moore, Pelz and Fraser

Read first time 02/10/93. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to chiropractic care for industrial insurance;
2 amending RCW 51.04.030 and 51.36.110; and adding a new chapter to Title
3 51 RCW.

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

5 NEW SECTION. **Sec. 1.** (1) Chiropractic care provided to an injured
6 worker through the division of industrial insurance must be within the
7 scope of practice under chapter 18.25 RCW and limited to the treatment
8 of acute conditions.

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

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

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

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

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

12 (3) Standards that require review of an injured worker's progress
13 toward recovery after a stated number of chiropractic treatments. This
14 initial review must be by a panel of chiropractors licensed to practice
15 under chapter 18.25 RCW and appointed by the director or director's
16 designee. If further chiropractic treatment is recommended by the
17 panel and authorized by the department, the standard must require a
18 second review after a stated number of treatments that must be
19 conducted by one or more chiropractors, other than the attending
20 chiropractor, and one or more physicians licensed to practice under
21 chapter 18.71 RCW. The standard must determine the responsibilities of
22 the second review panel.

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

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

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

30 NEW SECTION. **Sec. 5.** The director shall appoint an assistant
31 director for chiropractic treatment. The assistant director must be
32 licensed under chapter 18.25 RCW. The assistant director shall:

33 (1) Serve as principal liaison between the department and the
34 chiropractic profession;

35 (2) Provide chiropractic consultation to claims staff and other
36 department staff as needed;

1 (3) Develop chiropractic treatment and utilization standards as set
2 forth in section 4 of this act and propose changes to the standards as
3 needed;

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

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

7 **Sec. 6.** RCW 51.04.030 and 1989 c 189 s 1 are each amended to read
8 as follows:

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

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

36 The director or self-insurer, as the case may be, shall make a
37 record of the commencement of every disability and the termination
38 thereof and, when bills are rendered for the care and treatment of

1 injured workers, shall approve and pay those which conform to the
2 promulgated rules, regulations, and practices of the director and may
3 reject any bill or item thereof incurred in violation of the principles
4 laid down in this section or the rules and regulations promulgated
5 under it.

6 **Sec. 7.** RCW 51.36.110 and 1986 c 200 s 2 are each amended to read
7 as follows:

8 The director of the department of labor and industries or the
9 director's authorized representative shall have the authority to:

10 (1) Conduct audits and investigations of providers of medical,
11 dental, chiropractic, vocational, and other health services furnished
12 to industrially injured workers pursuant to Title 51 RCW. In the
13 conduct of such audits or investigations, the director or the
14 director's authorized representatives (~~may~~) shall examine all
15 pertinent records, or portions thereof, including patient records, and
16 shall conduct interviews with the injured worker and claims staff who
17 handled the claim, for which services were rendered by a health
18 services provider and reimbursed by the department, notwithstanding the
19 provisions of any other statute which may make or purport to make such
20 records privileged or confidential: PROVIDED, That no original patient
21 records shall be removed from the premises of the health services
22 provider, and that the disclosure of any records or information
23 obtained under authority of this section by the department of labor and
24 industries is prohibited and constitutes a violation of RCW 42.22.040,
25 unless such disclosure is directly connected to the official duties of
26 the department: AND PROVIDED FURTHER, That the disclosure of patient
27 information as required under this section shall not subject any
28 physician or other health services provider to any liability for breach
29 of any confidential relationships between the provider and the patient:
30 AND PROVIDED FURTHER, That the director or the director's authorized
31 representative shall destroy all copies of patient medical records in
32 their possession upon completion of the audit, investigation, or
33 proceedings;

34 (2) Deny or reduce payment or demand reimbursement or recoupment,
35 with or without a penalty, of sums paid to providers for services
36 billed in violation of medical aid rules or fees schedules. For
37 amounts paid within the twelve calendar months immediately preceding
38 the date of the demand, if the amounts paid are determined to be

1 unnecessary care by due process, recoupment is not mandated until any
2 appeals are concluded and final findings are issued. If payment to a
3 provider has been induced by fraud the department may terminate or
4 suspend eligibility to participate as a provider of services furnished
5 to any workers covered under this title and RCW 51.32.240(4) applies;

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

9 ((+3)) (4) Terminate or suspend eligibility to participate as a
10 provider of services furnished to industrially injured workers pursuant
11 to Title 51 RCW.

12 NEW SECTION. Sec. 8. Sections 1 through 5 of this act shall
13 constitute a new chapter in Title 51 RCW.

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