

State of Washington

CHIROPRACTIC DISCIPLINARY BOARD

(name of governing body)

(agency name, if applicable)

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

Administrative Order No. PL 315

(1) Be it resolved by the Chiropractic Disciplinary Board  
acting at Seattle, Washington

(place)

that it does promulgate and adopted the annexed rules relating to:

Educational materials, display of identification, announcements, professional cards, free services and public relations advertising by chiropractors by repealing WAC 113-10-080, 113-12-030, 113-12-045, 113-12-050, 113-12-065, 113-12-070 and 113-12-090; future care contracts by amending WAC 113-12-120; and, permitting broadcast advertising by amending WAC 113-12-150.

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

This action is taken pursuant to Notice No. 79- filed with the code reviser on 7-27-79 Such rules shall take effect: 08-083

XX 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 the foregoing 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 such emergency is:

Such 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.\_\_\_\_ (1977 c 19 § 2)<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 \_\_\_\_\_ and is intended to administratively implement that statute.

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

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

XX (c) This rule is promulgated under the general rule-making authority of the Chiropractic Disciplinary Board

(agency)

as authorized in RCW 18.26.110(1) and RCW 18.26.110(2).

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(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  
APPROVED AND ADOPTED September 6, 19 79

SEP 25 1979

By James F. Dawson, D.C.  
JAMES F. DAWSON  
Secretary

Title

CODE REVISER'S OFFICE  
WSR 79-10-099

STATE OF WASHINGTON  
CHIROPRACTIC DISCIPLINARY BOARD

ADMINISTRATIVE ORDER NO. PL 315

STATEMENT OF PURPOSE AND IMPLEMENTATION

I. NAME OF AGENCY: Washington State Chiropractic Disciplinary Board

II. GENERAL DESCRIPTION OF RULES: The attached rules relate to prohibited publicity and advertising by chiropractors and to the use of future care contracts.

STATUTORY AUTHORITY: RCW 18.26.110(1) and RCW 18.26.110(2).

III. SUMMARY OF RULES:

(1) WAC 113-10-080, EDUCATIONAL MATERIAL; WAC 113-12-030, DISPLAY OF IDENTIFICATION; WAC 113-12-045, ANNOUNCEMENTS; WAC 113-12-050, MATERIAL FOR DISTRIBUTION; WAC 113-12-065, PROFESSIONAL CARDS; WAC 113-12-070, REPRESENTATIONS AS TO FREE SERVICES; and, WAC 113-12-090, PUBLIC RELATIONS ADVERTISING, are each repealed. These rules are repealed under the general rule-making authority of the Chiropractic Disciplinary Board as authorized in RCW 18.26.110(1) and RCW 18.26.110(2).

(2) WAC 113-12-120, FUTURE CARE CONTRACTS PROHIBITED. This rule is amended to clarify that it is considered to be unprofessional conduct for any chiropractor to enter into a written contract which would obligate a patient for care to be rendered in the future. This rule is promulgated under the general rule-making authority of the Chiropractic Disciplinary Board as authorized in RCW 18.26.110(1) and RCW 18.26.110(2).

(3) WAC 113-12-150, ETHICAL STANDARDS - PROHIBITED PUBLICITY, AND ADVERTISING, is amended to prohibit public communications or advertising which guarantees any result of care, and to permit broadcast advertising by chiropractors. This rule is promulgated under the general rule-making authority of the Chiropractic Disciplinary Board as authorized in RCW 18.26.110(1) and RCW 18.26.110(2).

IV. RESPONSIBLE DEPARTMENT PERSONNEL:

The Chiropractic Disciplinary Board has responsibility for drafting, implementing and enforcing these rules.

V. PROPONENTS AND OPPONENTS:

These rules were proposed by the Board. Individuals speaking both for and against the rules were as follows:

ORAL TESTIMONY

	<u>10-080</u>	<u>12-030</u>	<u>-045</u>	<u>-050</u>	<u>-065</u>	<u>-070</u>	<u>-090</u>	<u>-120</u>	<u>-150</u>
Richard Sanders, Esq., United Chiro. of WA	F	F	F	F	F	F	F		A
Gregory Bartlett, D.C.									A
Thomas Sather, D.C.								A	A
T.L. Corbin, D.C.									B
David Butters, D.C.									A
R. W. Dunn, D.C.									A
S. R. Bartusch, D.C.									B
John W. Fabianek, D.C.									B
Kenneth Peterson, D.C.									A

WRITTEN TESTIMONY

Norman H. Singer, D.C. submitted by mail before the hearing a letter which took the following positions on the proposed rules:

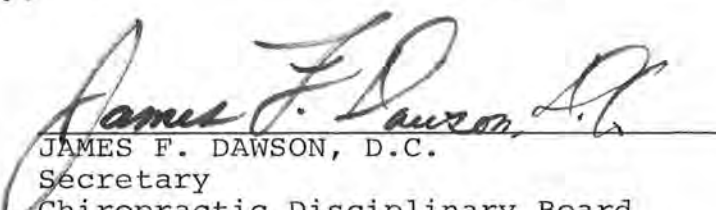
<u>10-080</u>	<u>12-030</u>	<u>-045</u>	<u>-050</u>	<u>-065</u>	<u>-070</u>	<u>-090</u>	<u>-120</u>	<u>-150</u>
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A F

Legend: F-For; A-Against; B-Both for and against various subsections of a rule, or general comment.

VI. AGENCY COMMENTS: WAC 113-10-080, 113-12-030, 113-12-045, 113-12-050, WAC 113-12-065, WAC 113-12-070 and 113-12-090 are repealed to remove inconsistencies and conflicts among advertising rules; WAC 113-12-150 is amended for clarification, and to permit broadcast advertising and each such repeal and amendment is intended to provide for the regulation of advertising and publicity by chiropractors within the constitutional bounds described by the U. S. Supreme Court cases such as Virginia State Board of Pharmacy, et al, v. Virginia Citizens Consumers Council, Inc., et al, and Bates and O'Steen v. State Bar of Arizona.

SUBMITTED in accordance with chapter 84, Laws of 1977, 1st Ex. Sess., this 21<sup>st</sup> day of September, 1979.

  
JAMES F. DAWSON, D.C.  
Secretary  
Chiropractic Disciplinary Board

REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 113-10-080 EDUCATIONAL MATERIAL.

WAC 113-12-120 FUTURE CARE CONTRACTS PROHIBITED. It shall be considered unprofessional conduct for any chiropractor to enter into a written contract ((with)) which would obligate a patient for care to be rendered in the future.

AMENDATORY SECTION (Amending Order PL 287, filed 4-25-78)

WAC 113-12-150 ETHICAL STANDARDS - PROHIBITED PUBLICITY AND ADVERTISING. 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 any form of public communications or advertising which:

- (1) is false, fraudulent, deceptive, misleading, or sensational;
- (2) uses testimonials;
- (3) guarantees any ((~~treatment-or~~)) result of care;
- (4) offers gratuitous goods or services or discounts in connection with chiropractic services, but this clause shall not be construed to relate to the negotiation of fees between chiropractors and patients or to prohibit the rendering of chiropractic services for which no fee is charged;
- (5) makes claims of professional superiority;
- (6) states or includes prices for chiropractic services except as provided for in WAC 113-12-160;
- (7) fails to differentiate chiropractic care from all other methods of healing;
- (8) advertises a service outside the practice of chiropractic as permitted in Washington;
- (9) ((~~is-broadcast-on-radio-or-television;-or~~))  
((~~to~~)) otherwise exceeds the limits of WAC 113-12-160.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 113-12-030 DISPLAY OF IDENTIFICATION.
- (2) WAC 113-12-045 ANNOUNCEMENTS.
- (3) WAC 113-12-050 MATERIAL FOR DISTRIBUTION.
- (4) WAC 113-12-065 PROFESSIONAL CARDS.
- (5) WAC 113-12-070 REPRESENTATIONS AS TO FREE SERVICES.
- (6) WAC 113-12-090 PUBLIC RELATIONS ADVERTISING.