

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

Chiropractic Disciplinary Board
(name of governing body)

(agency name, if applicable)

Resolution No.

Administrative Order No. PL 453

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

that it does adopt the annexed rules relating to:

amending WAC 113-10-100, 113-12-010, 113-12-100, 113-12-120,
113-12-150, adding new sections 113-12-085 and repealing
113-12-020

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

This action is taken pursuant to Notice No. WSR 83-21-093

filed with the code reviser on 10/19/83. These rules shall take effect:

- [X] 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 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.
[X] (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.

APPROVED AND ADOPTED Dec. 8, 1983

By Leslie B. White, D.C.
Chairman
Title

CODE REVISER'S OFFICE
WSR 84-01-054

AMENDATORY SECTION (Amending Order PL 125, filed 6/2/72)

WAC 113-12-100 BILLING. (1) A chiropractor who ~~((repeatedly))~~ bills separately for therapy procedures other than the chiropractic adjustment shall be considered engaging in unprofessional conduct. The use of x-ray, examination or consultation is not considered therapy. Approved chiropractic procedures which are preparatory to and complementary to the adjustment, may be used at the discretion of the attending chiropractor when used in combination with the adjustment. These procedures are considered as part of the adjustment and are not a treatment or therapy in and of themselves.

(2) Because of the potential element of fraud being present advertising forgiveness of co-insurance is prohibited unless the insurance company is given true and accurate information relating to the billing system.

AMENDATORY SECTION (Amending Order PL 315, filed 9/25/79)

WAC 113-12-120 FUTURE CARE CONTRACTS PROHIBITED. It shall be considered unprofessional conduct for any chiropractor to enter into a ~~((written))~~ contract which would obligate a patient to pay for care to be rendered in the future~~((.-))~~, unless the contract provides that the patient is entitled to a complete refund for any care not received.

AMENDATORY SECTION (Amending PL 352, filed 8/18/80)

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 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)-sensational-advertising;))~~
- ~~((b)-testimonials;))~~
- ~~((c)) (a) advertising which guarantees any result ((of care)) or cure;~~
- ~~((d)-advertising-which-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;))~~

~~((e))~~ (b) advertising which makes claims of professional superiority;

~~((f)-advertising-which-states-or-includes-prices-for-chiropractic-services-except-as-provided-for-in-WAC-113-12-160-)~~

~~((g))~~ (c) advertising which fails to differentiate chiropractic care from all other methods of healing;

~~((h))~~ (d) advertising for a service outside the practice of chiropractic as permitted in Washington~~((7))~~.

~~((i)-advertising-which-otherwise-exceeds-the-limits-of-WAC-113-12-160-)~~

(2) A chiropractor ~~((who-advertises-in-any-form, including, but not limited to, those forms listed in (1) above))~~ 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.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 113-12-020 TELEPHONE LISTINGS.

AMENDATORY SECTION (Amending Order PL 235, filed 12/31/75)

WAC 113-10-100 EXCESSIVE PROFESSIONAL CHARGES. (1) (~~(A chiropractor shall not charge a patient fees which are unreasonable or excessive. The measure of value of chiropractic services is not the value to the patient but rather is the reasonable value of the services in the community where they are rendered by the chiropractor who rendered them.)~~) A chiropractor shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee.

(2) A fee is clearly excessive when, after a review of the facts, a chiropractor of ordinary prudence would be left with a definite and firm conviction that the fee is in excess of a reasonable fee. Factors to be considered as guides in determining the reasonableness of a fee include the following:

(a) The time and effort required and the skill requisite to perform the chiropractic service properly;

(b) The fee customarily charged in the locality for similar chiropractic services;

(c) The experience, reputation, and ability of the chiropractor performing the services.

~~((2))~~ (3) A chiropractor shall not prescribe nor perform any services which are not reasonably necessary in consideration of the patient's condition and shall furnish an explanation of charges for chiropractic services upon request of the board.

AMENDATORY SECTION (Amending Order PL 137, filed 11/13/72)

WAC 113-12-010 IDENTIFICATION. A chiropractor (1) must clearly identify himself as a chiropractor on his office signs.

(2) (~~(May identify his practice only by use of his name or by use of a geographic name which would clearly indicate the place of his practice.)~~) All identification of chiropractic practice should be presented in a dignified manner and should not be sensational or misleading.

NEW SECTION

WAC 113-12-085 PELVIC OR PROSTATE EXAMINATION PROHIBITED. The physical examination to determine the necessity for chiropractic care does not include vaginal (pelvic) examination or prostate examination. Chiropractors are prohibited from performing such examination and from directing any agent or employee to perform such examination.