

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 1629

Chapter 320, Laws of 1991

52nd Legislature
1991 Regular Session

CHIROPRACTIC PEER REVIEW COMMITTEE

EFFECTIVE DATE: 7/28/91

Passed by the House March 12, 1991
Yeas 75 Nays 21

JOE KING
Speaker of the
House of Representatives

Passed by the Senate April 16, 1991
Yeas 44 Nays 3

JOEL PRITCHARD
President of the Senate

Approved May 21, 1991

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1629** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 21, 1991 - 10:33 a.m.

Secretary of State
State of Washington

SUBSTITUTE HOUSE BILL 1629

AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Prentice, Wood, R. Meyers, Franklin, Day, Miller, Ludwig, Morris, Pruitt, Brough, Braddock, Anderson, Betrozoff, Cooper, Fuhrman, R. King, McLean, Cantwell, Leonard, Kremen, Nealey, Phillips, P. Johnson, Wynne and Dorn).

Read first time February 28, 1991.

1 AN ACT Relating to chiropractic; amending RCW 18.25.040 and
2 18.25.090; adding a new section to chapter 18.25 RCW; adding new
3 sections to chapter 18.26 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** Unless the context clearly requires
6 otherwise, the definitions in this section apply throughout sections 2
7 through 7 of this act.

8 (1) "Accepted standards" means those standards of practice, skill,
9 and treatment that are recognized by a reasonably prudent chiropractor
10 as being acceptable under similar conditions and circumstances.

11 (2) "Appropriate chiropractic treatment" means treatment and other
12 services performed or ordered, in connection with a substantiated and
13 properly documented condition, which would appear to a reasonably
14 prudent chiropractor to be consistent with the diagnosis or analysis
15 presented.

1 (3) "Excessive" fees or costs means charges above the usual and
2 customary charges in that service area as paid by public and private
3 third-party payors.

4 (4) "Patient" means an individual who receives chiropractic
5 evaluation or treatment, or both.

6 (5) "Peer review committee" means the committee established under
7 section 2 of this act.

8 (6) "Peer review proceeding" or "peer review" means an evaluation,
9 based on accepted standards, by the peer review committee, of the
10 appropriateness, quality, utilization, and cost of health services
11 provided to a patient. Peer review does not include matters related to
12 the licensing, discipline, or scope of practice of any health care
13 profession.

14 (7) "Properly utilized services" means appropriate services
15 rendered or ordered, including the frequency and duration of such
16 services, which are documented as being necessary and reasonable by
17 clinical records and reports or by other facts, presentations, or
18 evidence reviewed by the peer review committee.

19 (8) "Services rendered" means all services provided to a patient.

20 NEW SECTION. **Sec. 2.** (1) The board shall appoint the peer
21 review committee, which shall be constituted as follows: The chair of
22 the peer review committee shall be a member of the board and shall not
23 vote except to break a tie; one chiropractor from each congressional
24 district; one independent member representative of the health insurance
25 industry; and one representative from the department of labor and
26 industries. The term of appointment of peer review committee members
27 shall be one year, and no member shall serve more than four consecutive
28 terms. The board may appoint additional pro tem members as necessary.
29 Chiropractor members shall have at least five years of active practice

1 in this state. The board shall adopt rules establishing other
2 qualifications for appointment of the chiropractic members to the peer
3 review committee, including rules to avoid conflict of interest or the
4 appearance of conflict of interest.

5 (2) The peer review committee may be compensated in accordance with
6 RCW 43.03.240 and may be paid travel expenses while engaged in the
7 business of the committee in accordance with RCW 43.03.050 and
8 43.03.060.

9 NEW SECTION. **Sec. 3.** (1) A patient, a patient's
10 representative, an insurer, an agency of the state of Washington, or a
11 chiropractor may request a peer review proceeding by submitting an
12 inquiry about services rendered to a patient by a chiropractor. The
13 board shall, in its discretion, determine whether the inquiry should be
14 reviewed as a peer review proceeding, as a matter for possible
15 voluntary mediation, or as a disciplinary proceeding. Peer review
16 shall not be used to replace the independent medical/chiropractic
17 examination.

18 (2) Request for peer review constitutes consent to submission by
19 the requesting party of all necessary records and other information
20 concerning the chiropractic services rendered. Chiropractors licensed
21 under this chapter who are a party to the peer review are required to
22 submit all necessary records and other information concerning services
23 rendered by the chiropractor.

24 (3) All costs associated with conducting peer review under this
25 chapter shall be borne by the chiropractic profession as part of the
26 licensing fees. Notwithstanding, the board shall assess a fee to cover
27 the costs of the review when the requesting party is a chiropractor or
28 a third-party payor.

1 NEW SECTION. **Sec. 4.** (1) The peer review committee may review
2 matters regarding the appropriateness, quality, utilization, or cost of
3 chiropractic services rendered. The peer review committee on each
4 review shall include in its findings a determination whether
5 appropriate chiropractic treatment was rendered, whether the services
6 rendered were properly utilized services, whether treatment or services
7 rendered or ordered were appropriate in accordance with accepted
8 standards, and whether the fees charged were excessive or not.

9 (2) The committee may appoint subcommittees to assist it in
10 conducting peer review. All activities of the subcommittees shall be
11 reviewed and approved or disapproved by the committee.

12 (3) The peer review committee shall submit to all parties and to
13 the board a decision setting forth the committee's findings and
14 recommendations.

15 (4) Any party may appeal the decision to the board. The board, on
16 the record of the peer review committee, may return the proceeding with
17 recommendations to the committee for reconsideration, may initiate
18 disciplinary proceedings, or may approve the decision of the peer
19 review committee, or may take any combination of the above actions.

20 NEW SECTION. **Sec. 5.** The peer review committee shall file
21 with the board a complaint against a chiropractor if the committee
22 determines that reasonable cause exists to believe the chiropractor has
23 committed unprofessional conduct. The peer review committee shall
24 transmit all information pertinent to the complaint to the board. Such
25 information shall be confidential and shall be used solely for
26 disciplinary purposes.

27 NEW SECTION. **Sec. 6.** The board shall prepare a biennial
28 report summarizing its peer review decisions and shall include such

1 report as part of the board's report requirements under RCW 18.130.310.
2 The published summary of peer review decisions shall not be used and
3 shall not serve as the basis for establishing appropriate fee schedules
4 or treatment regimes for the profession.

5 NEW SECTION. **Sec. 7.** No findings or decisions of the peer
6 review committee shall have any effect on or be admissible in any court
7 proceeding or administrative proceedings conducted under another
8 chapter of the Revised Code of Washington.

9 **Sec. 8.** RCW 18.25.040 and 1991 c 3 s 39 are each amended to read
10 as follows:

11 Persons licensed to practice chiropractic under the laws of any
12 other state, territory of the United States, the District of Columbia,
13 Puerto Rico, or province of Canada, having ~~((equal requirements of))~~
14 qualifications substantially equivalent to those required by this
15 chapter, may, in the discretion of the board of chiropractic examiners,
16 and after such examination ~~((by the board in principles of~~
17 ~~chiropractic, x ray, and adjusting, as taught by chiropractic schools~~
18 ~~and colleges))~~ as may be required by rule of the board, be issued a
19 license to practice in this state without further examination, upon
20 payment of a fee determined by the secretary as provided in RCW
21 43.70.250.

22 **Sec. 9.** RCW 18.25.090 and 1989 c 258 s 6 are each amended to read
23 as follows:

24 On all cards, books, papers, signs or other written or printed
25 means of giving information to the public, used by those licensed by
26 this chapter to practice chiropractic, the practitioner shall use after
27 or below his or her name the term chiropractor, chiropractic physician,

1 D.C., or D.C.Ph.C., designating his or her line of drugless practice,
2 and shall not use the letters M.D. or D.O.: PROVIDED, That the word
3 doctor or "Dr." or physician may be used only in conjunction with the
4 word "chiropractic" or "chiropractor". Nothing in this chapter shall
5 be held to apply to or to regulate any kind of treatment by prayer.

6 NEW SECTION. **Sec. 10.** A new section is added to chapter 18.25 RCW
7 to read as follows:

8 Nothing in this chapter shall be construed to prohibit:

9 (1) The temporary practice in this state of chiropractic by any
10 chiropractor licensed by another state, territory, or country in which
11 he or she resides. However, the chiropractor shall not establish a
12 practice open to the general public and shall not engage in temporary
13 practice under this section for a period longer than thirty days. The
14 chiropractor shall register his or her intention to engage in the
15 temporary practice of chiropractic in this state with the board of
16 chiropractic examiners before engaging in the practice of chiropractic,
17 and shall agree to be bound by such conditions as may be prescribed by
18 rule by the board.

19 (2) The practice of chiropractic, except the administration of a
20 chiropractic adjustment, by a person who is a regular senior student in
21 an accredited school of chiropractic approved by the board if the
22 practice is part of a regular course of instruction offered by the
23 school and the student is under the direct supervision and control of
24 a chiropractor duly licensed pursuant to this chapter and approved by
25 the board.

26 (3) The practice of chiropractic by a person serving a period of
27 postgraduate chiropractic training in a program of clinical
28 chiropractic training sponsored by a school of chiropractic accredited
29 in this state if the practice is part of his or her duties as a

1 clinical postgraduate trainee and the trainee is under the direct
2 supervision and control of a chiropractor duly licensed pursuant to
3 this chapter and approved by the board.

4 (4) The practice of chiropractic by a person who is eligible and
5 has applied to take the next available examination for licensing
6 offered by the board of chiropractic examiners, except that the
7 unlicensed chiropractor must provide all services under the direct
8 control and supervision of a licensed chiropractor approved by the
9 board. The unlicensed chiropractor may continue to practice as
10 provided by this subsection until the results of the next available
11 examination are published, but in no case for a period longer than six
12 months. The board shall adopt rules necessary to effectuate the intent
13 of this subsection.

14 Any provision of chiropractic services by any individual under
15 subsection (1), (2), (3), or (4) of this section shall be subject to
16 the jurisdiction of the chiropractic disciplinary board as provided in
17 chapters 18.26 and 18.130 RCW.

18 NEW SECTION. **Sec. 11.** The board may adopt rules necessary and
19 appropriate to implement sections 1 through 7 of this act.

20 NEW SECTION. **Sec. 12.** Sections 1 through 7 of this act are
21 each added to chapter 18.26 RCW.

Passed the House March 12, 1991.
Passed the Senate April 16, 1991.
Approved by the Governor May 21, 1991.
Filed in Office of Secretary of State May 21, 1991.