
ENGROSSED SUBSTITUTE HOUSE BILL 1871

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Heavey, Kessler and Lemmon)

Read first time 03/03/93.

1 AN ACT Relating to chiropractic care for industrial insurance;
2 amending RCW 51.04.030, 51.32.112, 51.36.100, and 51.36.110; adding a
3 new section to chapter 51.04 RCW; and adding a new section to chapter
4 51.36 RCW.

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

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

8 The director shall, through the division of industrial insurance,
9 supervise the providing of prompt and efficient care and treatment,
10 including care provided by physicians' assistants governed by the
11 provisions of chapters 18.57A and 18.71A RCW, acting under a
12 supervising physician, and including chiropractic care, to workers
13 injured during the course of their employment at the least cost
14 consistent with promptness and efficiency, without discrimination or
15 favoritism, and with as great uniformity as the various and diverse
16 surrounding circumstances and locations of industries will permit and
17 to that end shall, from time to time, establish and promulgate and
18 supervise the administration of printed forms, rules, regulations, and
19 practices for the furnishing of such care and treatment: PROVIDED,

1 That, the department may recommend to an injured worker particular
2 health care services and providers where specialized treatment is
3 indicated or where cost effective payment levels or rates are obtained
4 by the department: AND PROVIDED FURTHER, That the department may enter
5 into contracts for goods and services including, but not limited to,
6 durable medical equipment so long as state-wide access to quality
7 service is maintained for injured workers.

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

17 The director or self-insurer, as the case may be, shall make a
18 record of the commencement of every disability and the termination
19 thereof and, when bills are rendered for the care and treatment of
20 injured workers, shall approve and pay those which conform to the
21 promulgated rules, regulations, and practices of the director and may
22 reject any bill or item thereof incurred in violation of the principles
23 laid down in this section or the rules and regulations promulgated
24 under it.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 51.04 RCW
26 to read as follows:

27 The director shall appoint an associate medical director for
28 chiropractic. The associate medical director must be eligible to be
29 licensed under chapter 18.25 RCW.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 51.36 RCW
31 to read as follows:

32 (1) The health services that are available to an injured worker
33 under RCW 51.36.010 include chiropractic treatment in appropriate cases
34 within the scope of practice under chapter 18.25 RCW. As appropriate,
35 and subject to the requirements for examinations of workers specified
36 in this title, a worker may be required by the department to undergo
37 chiropractic examination by a chiropractic examination by a

1 chiropractor licensed under chapter 18.25 RCW for the purpose of
2 assisting the department in making determinations for the closure of a
3 claim, in assessing the necessity and appropriateness of chiropractic
4 care, or in making other determinations within the scope of
5 chiropractic practice related to the worker's industrial injury.

6 (2) The department may establish treatment and utilization
7 standards for chiropractic treatment in consultation with
8 representatives of the chiropractic profession. The standards, if any,
9 may be developed in conjunction with the department of health. The
10 standards should include some or all of the following:

11 (a) Standards designed to assure quality treatment and to maximize
12 recovery from the industrial injury;

13 (b) Standards designed to contain costs, consistent with assured
14 access to medically necessary treatment;

15 (c) Standards that permit review of an injured worker's progress
16 toward recovery after a stated number of chiropractic treatments. The
17 standards may require review of chiropractic treatment based on a
18 specified number of treatments, but the standards may not require
19 termination of treatment based solely on the number of treatments;

20 (d) Standards for requesting consultation with chiropractors by the
21 department or other health services providers on the necessity or
22 appropriateness of chiropractic care or other subjects within the
23 chiropractic scope of practice.

24 **Sec. 4.** RCW 51.32.112 and 1988 c 114 s 2 are each amended to read
25 as follows:

26 (1) The department shall develop standards for the conduct of
27 special medical examinations to determine permanent disabilities,
28 including, but not limited to:

29 (a) The qualifications of persons conducting the examinations;

30 (b) The criteria for conducting the examinations, including
31 guidelines for the appropriate treatment of injured workers during the
32 examination; and

33 (c) The content of examination reports.

34 (2) Within the appropriate scope of practice, chiropractors
35 licensed under chapter 18.25 RCW may conduct special medical
36 examinations to determine permanent disabilities in consultation with
37 physicians licensed under chapter 18.57 or 18.71 RCW. The department,
38 in its discretion, may request that a special medical examination be

1 conducted by a single chiropractor if the department determines that
2 the sole issues involved in the examination are within the scope of
3 practice under chapter 18.25 RCW. However, nothing in this section
4 authorizes the use as evidence before the board of a chiropractor's
5 determination of the extent of a worker's permanent disability if the
6 determination is not requested by the department.

7 (3) The department shall investigate the amount of examination fees
8 received by persons conducting special medical examinations to
9 determine permanent disabilities, including total compensation received
10 for examinations of department and self-insured claimants, and
11 establish compensation guidelines and compensation reporting criteria.

12 ~~((+3+))~~ (4) The department shall investigate the level of
13 compliance of self-insurers with the requirement of full reporting of
14 claims information to the department, particularly with respect to
15 medical examinations, and develop effective enforcement procedures or
16 recommendations for legislation if needed.

17 **Sec. 5.** RCW 51.36.100 and 1986 c 200 s 1 are each amended to read
18 as follows:

19 The legislature finds and declares it to be in the public interest
20 of the residents of the state of Washington that a proper regulatory
21 and inspection program be instituted in connection with the provision
22 of medical, chiropractic, dental, vocational, and other health services
23 to industrially injured workers pursuant to Title 51 RCW. In order to
24 effectively accomplish such purpose and to assure that the industrially
25 injured worker receives such services as are paid for by the state of
26 Washington, the acceptance by the industrially injured worker of such
27 services, and the request by a provider of services for reimbursement
28 for providing such services, shall authorize the director of the
29 department of labor and industries or the director's authorized
30 representative to inspect and audit all records in connection with the
31 provision of such services.

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

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

36 (1) Conduct audits and investigations of providers of medical,
37 chiropractic, dental, vocational, and other health services furnished

1 to industrially injured workers pursuant to Title 51 RCW. In the
2 conduct of such audits or investigations, the director or the
3 director's authorized representatives may examine all records, or
4 portions thereof, including patient records, for which services were
5 rendered by a health services provider and reimbursed by the
6 department, notwithstanding the provisions of any other statute which
7 may make or purport to make such records privileged or confidential:
8 PROVIDED, That no original patient records shall be removed from the
9 premises of the health services provider, and that the disclosure of
10 any records or information obtained under authority of this section by
11 the department of labor and industries is prohibited and constitutes a
12 violation of RCW 42.22.040, unless such disclosure is directly
13 connected to the official duties of the department: AND PROVIDED
14 FURTHER, That the disclosure of patient information as required under
15 this section shall not subject any physician or other health services
16 provider to any liability for breach of any confidential relationships
17 between the provider and the patient: AND PROVIDED FURTHER, That the
18 director or the director's authorized representative shall destroy all
19 copies of patient medical records in their possession upon completion
20 of the audit, investigation, or proceedings;

21 (2) Approve or deny applications to participate as a provider of
22 services furnished to industrially injured workers pursuant to Title 51
23 RCW; and

24 (3) Terminate or suspend eligibility to participate as a provider
25 of services furnished to industrially injured workers pursuant to Title
26 51 RCW.

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