

Title 113 WAC

CHIROPRACTIC DISCIPLINARY BOARD

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Chapter 113-10 WAC

CHIROPRACTIC DISCIPLINARY BOARD CODE OF ETHICS

WAC

- 113-10-010 Privileged communications.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 113-10-080 Educational material. [Order PL 235, § 113-10-080, filed 12/31/75.] Repealed by 79-10-099 (Order PL 315), filed 9/25/79. Statutory Authority: RCW 18-26.110 (1) and (2).

WAC 113-10-010 Privileged communications. A chiropractor shall not, without the consent of the patient, reveal any information acquired in attending such patient, which was necessary to enable the chiropractor to treat the patient: *Provided*, That this shall not apply to the release of information in an official proceeding where the release of information may be compelled by law.

[Order PL 235, § 113-10-010, filed 12/31/75.]

WAC 113-10-020 Patient abandonment. The chiropractor shall always be free to accept or reject a particular patient, bearing in mind that whenever possible a chiropractor should respond to any reasonable request for his services in the interest of public health and welfare.

[Order PL 235, § 113-10-020, filed 12/31/75.]

WAC 113-10-030 Consultation. In difficult or protracted cases consultations are advisable, and the chiropractor should be ready to act upon any desire the patient may express for a consultation, even though the chiropractor may not personally feel the need for it.

[Order PL 235, § 113-10-030, filed 12/31/75.]

WAC 113-10-040 Unethical requests. A chiropractor shall not assist in any immoral practice such as aiding in the pretense of disability in order to avoid jury or military duty, or the concealment of physical disability in order to secure favorable insurance.

[Order PL 235, § 113-10-040, filed 12/31/75.]

WAC 113-10-050 Patient welfare. The health and welfare of the patient shall always be paramount, and expectation of remuneration or lack thereof shall not in any way affect the quality of service rendered the indigent patient.

[Order PL 235, § 113-10-050, filed 12/31/75.]

WAC 113-10-060 Patient disclosure. Absolute honesty shall characterize all transactions with patients. The chiropractor should neither intentionally exaggerate nor minimize the gravity of the patient's condition, nor offer any false hope or prognosis.

[Order PL 235, § 113-10-060, filed 12/31/75.]

WAC 113-10-070 Degree of skill. The chiropractor owes his or her patient(s) the highest degree of skill and care of which he or she is capable. To this end the chiropractor shall endeavor to keep abreast of new developments in chiropractic and shall constantly endeavor to improve his or her knowledge and skill in the science and art or philosophy of chiropractic, as defined in chapter 18.25 RCW.

[Order PL 235, § 113-10-070, filed 12/31/75.]

WAC 113-10-090 Illegal practitioners. Chiropractors should safeguard their profession by exposing those who might attempt to practice without proper credentials, and by reporting violations of the laws regulating chiropractic to the proper authorities.

[Order PL 235, § 113-10-090, filed 12/31/75.]

WAC 113-10-100 Excessive professional charges.

(1) 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.

(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.

[Statutory Authority: RCW 18.26.110. 84-01-054 (Order PL 453), § 113-10-100, filed 12/16/83; Order PL 235, § 113-10-100, filed 12/31/75.]

WAC 113-10-110 Disparaging other practitioners. No chiropractor shall falsely malign another practitioner or a practitioner's method of practice.

[Order PL 235, § 113-10-110, filed 12/31/75.]

Chapter 113-12 WAC BOARD RULES--GENERALLY

WAC

113-12-010	Identification.
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113-12-200	Scope of practice—Revocation or suspension of license authorized for practice outside scope.
113-12-210	Clinically necessary x-rays.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

113-12-005	Uniform Disciplinary Act. [Statutory Authority: RCW 18.26.027. 84-23-034 (Order PL 496), § 113-12-005, filed 11/15/84, effective 8/1/85.] Repealed by 85-20-078 (Order PL 558), filed 9/30/85. Statutory Authority: RCW 18.26.027.
113-12-020	Telephone listings. [Order 15, § 113-12-020, filed 5/16/69; Order 8, § 113-12-020, filed 9/9/68.] Repealed by 84-01-054 (Order PL 453), filed 12/16/83. Statutory Authority: RCW 18.26.110.
113-12-030	Display of identification. [Order 8, § 113-12-030, filed 9/9/68.] Repealed by 79-10-099 (Order PL 315), filed 9/25/79. Statutory Authority: RCW 18.26.110 (1) and (2).
113-12-040	Announcements of office openings. [Order 8, § 113-12-040, filed 9/9/68.] Repealed by Order PL 235, filed 12/31/75. Later promulgation, see WAC 113-12-045.
113-12-045	Announcements. [Order PL 235, § 113-12-045, filed 12/31/75. Formerly WAC 113-12-040.] Repealed by 79-10-099 (Order PL 315), filed 9/25/79. Statutory Authority: RCW 18.26.110 (1) and (2).
113-12-050	Material for distribution. [Order PL 235, § 113-12-050, filed 12/31/75; Order 8, § 113-12-050, filed

9/9/68.] Repealed by 79-10-099 (Order PL 315), filed 9/25/79. Statutory Authority: RCW 18.26.110 (1) and (2).

113-12-060	Letterheads and cards. [Order 8, § 113-12-060, filed 9/9/68.] Repealed by Order PL 235, filed 12/31/75. Later promulgation, see WAC 113-12-065.
113-12-065	Professional cards. [Order PL 235, § 113-12-065, filed 12/31/75. Formerly WAC 113-12-060.] Repealed by 79-10-099 (Order PL 315), filed 9/25/79. Statutory Authority: RCW 18.26.110 (1) and (2).
113-12-070	Representations as to free services. [Order PL 235, § 113-12-070, filed 12/31/75; Order 8, § 113-12-070, filed 9/9/68.] Repealed by 79-10-099 (Order PL 315), filed 9/25/79. Statutory Authority: RCW 18.26.110 (1) and (2).
113-12-090	Public relations advertising. [Order PL 235, § 113-12-090, filed 12/31/75; Order PL-101, § 113-12-090, filed 10/5/70.] Repealed by 79-10-099 (Order PL 315), filed 9/25/79. Statutory Authority: RCW 18.26.110 (1) and (2).
113-12-110	Prohibited practices. [Order PL-137, § 113-12-110, filed 11/13/72.] Repealed by Order PL 235, filed 12/31/75. Later promulgation, see WAC 113-12-115.

WAC 113-12-010 Identification. A chiropractor

(1) Must clearly identify himself as a chiropractor on his office signs.

(2) All identification of chiropractic practice should be presented in a dignified manner and should not be sensational or misleading.

[Statutory Authority: RCW 18.26.110. 84-01-054 (Order PL 453), § 113-12-010, filed 12/16/83; Order PL-137, § 113-12-010, filed 11/13/72; Order 8, § 113-12-010, filed 9/9/68.]

WAC 113-12-075 Health food store ownership. (1)

A chiropractor may own an interest in a retail outlet for the sale of health foods only on the following conditions:

(a) The chiropractor's office(s) or premises are so physically separated from the office(s) or premises of the health food store that patients have a free and untrammelled access and exit to and from the chiropractor's office(s) or premises;

(b) The chiropractor refrains from directly or indirectly or by inference referring, directing, suggesting or inviting a patient to purchase any dietary substance recommended for the normal regimen and rehabilitation of the patient (including vitamins, minerals and food supplements), from any health food store in which the chiropractor owns an interest.

(2) Any chiropractor who fails to abide by the conditions set forth above will be subject to charges of unprofessional conduct for the illegal referral of patients within the meaning of RCW 19.68.030 which prohibits the receipt of compensation for such a referral by licensed chiropractors.

[Statutory Authority: RCW 18.26.110. 86-10-039 (Order PL 591), § 113-12-075, filed 5/5/86.]

WAC 113-12-080 Vitamins, minerals and food supplements. (1) No chiropractor shall sell or dispense or permit to be sold or dispensed any vitamins, minerals or food supplements.

(2) Dietary advice may include the recommendation of vitamins, minerals and food supplements as long as

they are recommended for the normal regimen of the patient and not for treatment of a specific disease.

(3) The chiropractor shall not receive any direct or indirect profit from the sale of vitamins, minerals and food supplements as provided in chapter 19.68 RCW.

[Statutory Authority: RCW 18.26.110. 86-10-039 (Order PL 591), § 113-12-080, filed 5/5/86. Statutory Authority: RCW 18.26.110(2). 84-23-033 (Order PL 497), § 113-12-080, filed 11/15/84; Order 8, § 113-12-080, filed 9/9/68.]

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.

[Statutory Authority: RCW 18.26.110. 84-01-054 (Order PL 453), § 113-12-085, filed 12/16/83.]

WAC 113-12-100 Billing. (1) A chiropractor who 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 coinsurance is prohibited unless the insurance company is given true and accurate information relating to the billing system.

[Statutory Authority: RCW 18.26.110. 84-01-054 (Order PL 453), § 113-12-100, filed 12/16/83; Order PL-125, § 113-12-100, filed 6/2/72.]

WAC 113-12-115 Acupuncture. No chiropractor shall:

(1) Employ the use of needles in the treatment of a patient; or

(2) Hold himself out as practicing acupuncture in any form.

[Order PL 235, § 113-12-115, filed 12/31/75. Formerly WAC 113-12-110.]

WAC 113-12-120 Future care contracts prohibited. It shall be considered unprofessional conduct for any chiropractor to enter into a 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.

[Statutory Authority: RCW 18.26.110. 84-01-054 (Order PL 453), § 113-12-120, filed 12/16/83. Statutory Authority: RCW 18.26.110 (1) and (2). 79-10-099 (Order PL 315), § 113-12-120, filed 9/25/79; Order PL-145, § 113-12-120, filed 6/6/73.]

WAC 113-12-130 Civic and charitable contribution recognition. A chiropractor shall be permitted to allow

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his or her name and the designation "D.C." to be included in a listing of individuals supporting civic or charitable activities or organizations.

[Order PL 235, § 113-12-130, filed 12/31/75.]

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) Advertising which guarantees any result or cure;

(b) Advertising which makes claims of professional superiority;

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

(d) Advertising for a service outside the practice of chiropractic as permitted in Washington.

(2) A chiropractor 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.

[Statutory Authority: RCW 18.26.110. 84-01-054 (Order PL 453), § 113-12-150, filed 12/16/83; 80-11-043 (Order PL-352, Resolution 8-80), § 113-12-150, filed 8/18/80. Statutory Authority: RCW 18.26.110 (1) and (2). 79-10-099 (Order PL 315), § 113-12-150, filed 9/25/79. Statutory Authority: RCW 18.26.110(2). 78-05-052 (Order PL 287, Resolution 78-142), § 113-12-150, filed 4/25/78.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 113-12-160 Ethical standards--Permitted publicity and advertising. To facilitate the process of informed selection of a chiropractor by potential patients, a chiropractor may publish the following information in print media, provided that the information disclosed by the chiropractor in such publication complies with all other ethical standards promulgated by the board:

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(1) Name, including name of professional service corporation or clinic, and names of professional associates, addresses and telephone numbers.

(2) Date and place of birth.

(3) Date and fact of admission to practice in Washington and other states.

(4) Schools attended with dates of graduation, degrees and other scholastic distinction.

(5) Chiropractic teaching positions.

(6) Membership in chiropractic fraternities, societies and associations.

(7) Membership in scientific, technical and professional associations and societies.

(8) Whether credit cards or other credit arrangements are accepted.

(9) Office and telephone answering service hours.

(10) Fee for an initial examination and/or consultation.

(11) Availability upon request of a written schedule of fees or range of fees for specific services.

(12) The range of fees for specified routine chiropractic services, provided that the statement discloses, in print size equivalent to the largest print used in setting forth the fee information, that the specific fee within the range which will be charged will vary depending upon the particular matter to be handled for each patient, and the patient is entitled without obligation to an estimate of the fee within the range likely to be charged.

(13) Fixed fees for specified routine chiropractic services, the description of which would not be misunderstood by or be deceptive to a prospective patient, provided that the statement discloses in print size at least equivalent to the largest print used in setting forth the fee information that the quoted fee will be available only to patients whose matters fall into the services described, and that the client is entitled without obligation to a specific estimate of the fee likely to be charged.

[Statutory Authority: RCW 18.26.110(2), 78-05-052 (Order PL 287, Resolution 78-142), § 113-12-160, filed 4/25/78.]

WAC 113-12-161 Ethical standards--Permitted identification of chiropractor. Nothing in chapter 113-12 WAC shall be construed to limit the identification of a chiropractor as a chiropractor as well as by name:

(1) In political advertisements;

(2) In routine reports and announcements of a bona fide business, civic, professional, or political organization in which he serves as a director or officer; or

(3) In and on chiropractic textbooks, treatises, and other chiropractic publications, and in advertisements thereof.

[Statutory Authority: RCW 18.26.110(2), 78-05-052 (Order PL 287, Resolution 78-142), § 113-12-161, filed 4/25/78.]

WAC 113-12-165 Ethical standards--Honoring of publicity and advertisements. (1) If a chiropractor advertises a fee for a service, the chiropractor must render that service for no more than the fee advertised.

(2) Unless otherwise specified in the advertisement, if a chiropractor publishes any fee information authorized under chapter 113-12 WAC, the chiropractor shall be

bound by any representation made therein for the periods specified in the following categories:

(a) If in a publication which is published more frequently than one time per month, for a period of not less than thirty days after such publication.

(b) If in a publication which is published once a month or less frequently, until the publication of the succeeding issue.

(c) If in a publication which has no fixed date for publication of the succeeding issue, for a reasonable period of time after publication, but in no event less than one year.

[Statutory Authority: RCW 18.26.110(2), 78-05-052 (Order PL 287, Resolution 78-142), § 113-12-165, filed 4/25/78.]

WAC 113-12-170 Ethical standards--Prohibited transactions. A chiropractor shall not compensate or give anything of value to representatives of the press, radio, television or other communication media in anticipation of or in return for professional publicity of any individual chiropractor in a news item.

[Statutory Authority: RCW 18.26.110(2), 78-05-052 (Order PL 287, Resolution 78-142), § 113-12-170, filed 4/25/78.]

WAC 113-12-175 Ethical standards--Professional notices, letterheads, cards, and mailings. In his use of professional notices, letterheads, cards, and mailings, a chiropractor is subject to the same regulations of chapter 113-12 WAC which apply to his use of other print media.

[Statutory Authority: RCW 18.26.110(2), 78-05-052 (Order PL 287, Resolution 78-142), § 113-12-175, filed 4/25/78.]

WAC 113-12-180 Ethical standards--Suggestion of need of chiropractic services. A chiropractor who has given in-person, unsolicited advice to a lay person that he should obtain chiropractic care shall not accept employment resulting from that advice except that:

(1) A chiropractor may accept employment by a close friend, relative, former patient (if the advice is germane to the former treatment), or one whom the chiropractor reasonably believes to be a patient; and

(2) Without affecting his right to accept employment, a chiropractor may speak publicly or write for publication on chiropractic topics so long as he does not emphasize his own professional experience or reputation and does not undertake to give individual advice.

[Statutory Authority: RCW 18.26.110(2), 78-05-052 (Order PL 287, Resolution 78-142), § 113-12-180, filed 4/25/78.]

WAC 113-12-190 Public testimonial advertising. (1) Public testimonial advertising includes the use of a statement testifying as to a chiropractor's qualifications, abilities and character or to the value of chiropractic services.

(2) The use of testimonial advertising will not be considered false or misleading if the following guidelines are met:

(a) Testimonials must relate to patient care provided within the immediately preceding five-year period.

(b) The testimonial should be documented by a notarized statement of the patient, a copy of which is kept by both the chiropractor and the patient.

(c) The testimonial must be consistent with the history of the patient's care, including office records, examination reports and x-rays.

(d) Testimonials should not:

(i) Be exaggerated or misrepresented.

(ii) State that a technique or doctor is superior.

(iii) Claim specific cures.

(iv) Compare one chiropractor to another.

(v) Include a named diagnosis.

[Statutory Authority: RCW 18.26.110(2), 84-23-033 (Order PL 497), § 113-12-190, filed 11/15/84.]

WAC 113-12-195 Full disclosure of cost of services.

(1) This rule will apply to all representations made in public advertising regarding the provision of chiropractic services, including x-rays or chiropractic examinations, on a free basis or at a reduced cost.

(2) When a chiropractic service is represented in public advertising as available without cost or at a reduced cost that service must be made available to everyone who wishes to take advantage of the offer on an equal basis. No charge may be made to any individual or third party health care payor for any services which have been provided on a free basis. Billings to patients or to third party health care payors should accurately reflect the actual charge to the patient, including any discounts, reduced fees or waiver of co-payment.

(3) All billings to third party payors for patients who are also being treated for an unrelated condition must fully disclose the additional treatment being provided and the charges for that treatment.

[Statutory Authority: RCW 18.26.110(2), 84-23-033 (Order PL 497), § 113-12-195, filed 11/15/84.]

WAC 113-12-200 Scope of practice--Revocation or suspension of license authorized for practice outside scope.

(1) The chiropractic disciplinary board finds that over the past few years there has been an increasing number of persons licensed as chiropractors who have been practicing other healing arts while holding themselves out to the public as chiropractors to the detriment of the public health and welfare of the state of Washington and contrary to the legislative directive contained in RCW 18.26.010(5). The board further finds and deems it necessary to carry out the provisions of chapter 18.26 RCW that this rule be adopted to give guidance to members of the profession, and the public, in interpreting for purposes of application by the disciplinary board of RCW 18.26.030, the scope of health care which comes within the definition of chiropractic in RCW 18.25.005 and which is authorized under a license to practice chiropractic in the state of Washington.

(2) RCW 18.25.005 defines the term "chiropractic" for purposes of chapters 18.25 and 18.26 RCW, as that practice of health care which deals with the detection of subluxations, which shall be defined as any alteration of

the biomechanical and physiological dynamics of contiguous spinal structures which can cause neuronal disturbances, the chiropractic procedure preparatory to, and complementary to the correction thereof, by adjustment or manipulation of the articulations of the vertebral column and its immediate articulations for the restoration and maintenance of health; it includes the normal regimen and rehabilitation of the patient, physical examination to determine the necessity for chiropractic care, the use of x-ray and other analytical instruments generally used in the practice of chiropractic: *Provided*, That no chiropractor shall prescribe or dispense any medicine or drug nor practice obstetrics or surgery nor use x-rays for therapeutic purposes: *Provided, however*, That the term "chiropractic" as defined in this act shall not prohibit a practitioner licensed under chapter 18.71 RCW from performing accepted medical procedures, except such procedures shall not include the adjustment by hand of any articulation of the spine: *And provided further*, That nothing herein shall be construed to prohibit the rendering of dietary advice.

(3) The board finds that the following diagnostic techniques and procedures, by whatever name known, are not within the definition of "chiropractic" as specified in (2) above and in RCW 18.25.005, and, consequently, a license to practice chiropractic does not authorize their use:

(a) The use of x-rays or other forms of radiation for any other reason than to x-ray the human skeleton.

(b) The use of any form of electrocardiogram.

(c) The testing and reduction to mathematical formulae of sputum and/or urine (commonly known as "Reams" testing).

(d) Hair analysis.

(e) The use of a vasculizer or plethysonograph (commonly known as plethysmography) except for research purposes.

(f) The use of iridology.

(g) The taking of blood samples.

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other diagnostic technique or procedure is outside the scope of chiropractic practice.

(4) The board finds that the following treatment modalities, by whatever name known, are not within the definition of "chiropractic" as specified in (2) above and in RCW 18.25.005 and, consequently, a license to practice chiropractic does not authorize their use:

(a) Ultrasound, diathermy, high voltage galvanic therapy and x-rays or other radiation.

(b) Colonic irrigation.

(c) Extremity adjusting.

(d) Electrotherapy.

(e) The use of a transcutaneous electrical nerve stimulator (TENS).

(f) The use of the endonasal technique.

(g) The use of any type of casting other than light body casting.

(h) The use of meridian therapy (whether known as "acupressure," "trigger point therapy" or the same type of therapy under any other name).

(i) The use of hypnosis for any other than relaxation purposes.

(j) The use of clinical herbology.

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other treatment modalities are outside the scope of chiropractic practice.

(5) In accord with the legislative directive of RCW 18.26.010(5), the use by a chiropractor of diagnostic techniques or procedures or treatment modalities which are outside the definition of chiropractic in RCW 18.25.005, whether or not listed in this rule, or the use by a chiropractor of any of the diagnostic techniques and procedures listed in (3) above or the use by a chiropractor of any of the treatment modalities listed in (4) above shall constitute unprofessional conduct under RCW 18.26.030 (10) and (11) which shall be good and sufficient cause for revocation or suspension of that chiropractor's license to practice chiropractic in Washington.

[Statutory Authority: RCW 18.26.110(2). 84-23-033 (Order PL 497), § 113-12-200, filed 11/15/84. Statutory Authority: RCW 18.26.110. 81-13-002 (Order PL 380), § 113-12-200, filed 6/4/81.]

WAC 113-12-210 Clinically necessary x-rays. All offers of free x-rays should be accompanied by a disclosure statement that x-rays will only be taken if clinically necessary in order to avoid unnecessary radiation exposure.

[Statutory Authority: RCW 18.26.110(2). 84-23-033 (Order PL 497), § 113-12-210, filed 11/15/84.]