

Significant Analysis
For Rules Concerning
WAC 246-808-560 – Documentation of Care
Chiropractic Quality Assurance Commission

Briefly describe the proposed rule.

The Chiropractic Quality Assurance Commission (commission) has proposed rules to clarify how practitioners must document patient care. The commission has had disciplinary cases on inadequate documentation. The commission is amending the language to clarify and define that documentation must be legible and completed in a timely manner. Chiropractors, ancillary staff, patients, and any other stakeholder should better understand the expectations of adequate patient records.

Is a Significant Analysis required for this rule?

A significant analysis is required for this rule because if the minimum standards are not met, the chiropractor can be disciplined.

A. Clearly state in detail the general goals and specific objectives of the statute that the rule implements.

RCW 18.25.0171 gives the commission the authority to establish rules and practice standards for chiropractors.

WAC 246-808-560 was adopted in 1996. The rule has not been updated since it was adopted. Because of changing practice standards and technology, the rule needs to be amended to clarify the existing documentation requirements. This amendment will clarify the documentation standards.

B. Determine that the rule is needed to achieve these goals and objectives, and analyze alternatives to rulemaking and the consequences of not adopting the rule.

RCW 18.25.0171 requires the commission to adopt rules to protect the public. There are no alternatives to rulemaking. Standards need to be in rule in order to be enforced. The proposed rules provide timely and proper documentation standards for chiropractors.

If the rules are not updated and kept as currently written, we will continue to receive complaints from insurance companies, the public and healthcare practitioners that the documentation is not clear. By clarifying the rules, the complaints should lessen.

C. Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.

The proposed rule amends WAC 246-808-560 to clarify the standards for documentation of care. This will ensure chiropractors are providing thorough and timely documentation that reflects a patient's presenting condition, treatment plan, and progress. The proposal clarifies the existing documentation requirement for chiropractors. Chiropractors and ancillary staff should better understand adequate patient care documentation.

The proposed rule requires chiropractors to document every patient visit. The cost of this required activity will be nominal for the chiropractors. The benefit of thorough documentation is a complete history of the patient's care.

Although there may be a nominal cost of complying with the proposed rule, the benefits of complete, accurate documentation of care are greater than the costs imposed. Therefore, the total probable benefits of the proposed rule exceed the total probable costs.

D. Determine, after considering alternative versions of the rule, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated previously.

DOH staff worked closely with constituents and the public to minimize the burden of this rule.

The commission held four rules workshops. Chiropractors and the Washington State Chiropractic Association (WSCA) board members were present and participated in the rule making process. The proposal was posted on the commission's website and sent to the listserv. Several comments were received. The commission incorporated some of the suggested changes received.

In the course of these and other efforts, the following alternative version(s) of the rule were rejected:

- Required chiropractors to give and document re-examinations at "reasonable intervals" within 60-days.
 - Compromised to leave it at "reasonable intervals" but documentation must be sufficient enough to assess and address the effectiveness of the treatment or an unexpected change in the patient's status.
- Required chiropractors to document comprehensive objective re-evaluations of wellness/maintenance patients.
 - Compromised to only when significant changes occur in their health status.

- Leave rule as currently written.
 - Clarity is needed for this rule to protect the public and provide guidance to chiropractors.

Compared to the alternative versions, the proposed rule is least burdensome for those required to comply while providing clarity to the rule.

E. Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

The rule does not require those to whom it applies to take an action that violates requirements of federal or state law.

F. Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

The rule does not impose more stringent performance requirements on private entities than on public entities.

G. Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.

The rule does not differ from any applicable federal regulation or statute.

H. Demonstrate that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

There are no other applicable laws.