

Policy Statement

Title:	Telehealth Policy	Number: CH-3-19-20A
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Approved By:	David Folweiler, DC, Chair	

Background

As noted by the Washington State Department of Social and Health Services¹:

Telehealth is a rapidly expanding mode of health care service delivery in the United States including here in Washington. Telehealth capabilities, such as videoconferencing, can expand the reach of services and improve efficiency of healthcare and related support services by shortening delays in services and eliminating or reducing travel time and associated costs. Telehealth-based services can be particularly beneficial for clients/patients that live in geographically remote or underserved areas, including urban areas.

Due to the rapid expansion of telehealth, the Chiropractic Quality Assurance Commission (Commission) developed this policy statement to address the following three areas related to the provision of chiropractic services via telehealth:

1. Licensing requirements for chiropractors providing telehealth services to Washington patients.
2. The standard of care for chiropractors providing telehealth services to Washington patients.
3. The role of the Commission in evaluating technology and equipment used to facilitate the provision of telehealth services.

Definitions

In additions to definitions contained in RCW 18.25 and WAC 246-808, the Commission adopts the following definitions for the purposes of this Policy Statement:

“Asynchronous Communications” means one way at a time communication, such as fax, email, SMS texting, or the electronic transfer of a digital image.

“Chiropractic care” has the same meaning as chiropractic in RCW 18.25.005.

“Distant Site” means the physical location of a chiropractor providing chiropractic services through telehealth. An example of this would be the chiropractor’s clinic location.

¹ Washington State Department of Social and Health Services, *Telehealth Implementation Guidebook*, March 2017, at 2, <https://www.dshs.wa.gov/sites/default/files/BHSIA/FMHS/DSHSTelehealthGuidebook.pdf> (last accessed September 6, 2019).

“Originating Site” means the physical location of a patient receiving chiropractic services through telehealth. Examples of this include a patient’s home, a videoconference facility, or a clinic.

“Synchronous Communications” means two-way real-time communications, such as videoconferences and telephone.

“Store-and-Forward Technologies” means the use of asynchronous communication of a covered person's health care information from an originating site to the health care provider at a distant site which results in diagnosis and management of the covered person.

“Telehealth” means delivering chiropractic care via asynchronous or synchronous communication technologies to facilitate the diagnosis, consultation and treatment, education, care management or self-management of a patient's condition.

“Temporary Practice Permit” means a registration issued by the Commission to a chiropractor licensed by another state, territory or country in which he or she resides. The holder of a temporary practice permit shall not establish a practice open to the general public and shall not engage in the temporary practice under this section for a period longer than thirty days per RCW 18.25.190.

Licensing Requirements

Practitioners providing chiropractic services via telehealth to patients located in Washington State must either be licensed or hold a temporary practice permit from the Commission.

Washington law requires chiropractors who are licensed in another state, territory, or country and who engage in chiropractic in Washington State temporarily (less than a thirty day period) to have a temporary permit to practice chiropractic in Washington State (RCW 18.25.190). The Commission understands this requirement to mean that chiropractors providing chiropractic care via telehealth to patients located in Washington State, even for a temporary period of time, are required to be registered with the Commission.

A chiropractor who provides chiropractic services to patients in Washington State over more than a thirty day period must be licensed by the Commission. Washington law requires any person who practices chiropractic in Washington State to be licensed by the Commission (RCW 18.25.011). The Commission understands this requirement to mean that chiropractors providing chiropractic care via telehealth to patients located in Washington State over more than a thirty day period are required to be licensed as a chiropractor by the Commission.

The Commission will refer chiropractors (whether located inside or outside of Washington State) who are providing chiropractic services to patients located in Washington to the Washington State Department of Health’s Unlicensed Practice Program if they do not hold a license or a temporary practice permit (see RCW 18.130.190).

Peer-to-Peer Consultations

The Commission understands RCW 18.25.005, RCW 18.25.011, and RCW 18.25.190 permit a chiropractor licensed by the Commission to consult with an individual who is not licensed by the Commission using synchronous or asynchronous communication so long as the chiropractor licensed by the Commission remains professionally responsible for the primary diagnosis and any testing or treatment provided to the Washington patient.

Hypothetical #1 – Virtual Encounter with Patient

A chiropractor uses technology to have a two-way audio and visual encounter with a patient to discuss an ongoing exercise regimen meant to assist the patient with chronic back pain. The patient is located in Washington. In this situation, the chiropractor must be licensed by the Commission to provide the telehealth service.

Hypothetical #2 – Telephone Discussion with Patient

Patient X (located in Washington) goes online and schedules a phone conference with Chiropractor A. As part of the scheduling process, Patient X completes a questionnaire and provides pertinent medical records and images to Chiropractor A for review prior to the telehealth conference. Chiropractor A will review the provided records and discuss them during the telehealth conference.

Patient X and Chiropractor A have their phone conference. During this phone conference, Chiropractor A discusses manual therapy, clinical appointments and personal training for Patient X to pursue. Patient X schedules a follow-up video conference with Chiropractor A.

In this situation, the chiropractor must be licensed by the Commission to provide these telehealth services.

Hypothetical #3 – Diagnosis

Chiropractor A takes an X-ray image of Patient B. Both Chiropractor A and Patient B are located in Washington. Chiropractor A examines the X-ray image and sends this X-Ray image and other pertinent records to Chiropractor C who resides and is licensed in another state.

Chiropractor C reviews the X-ray image and other pertinent records, makes a diagnosis, and proposes a treatment plan for Patient B. Chiropractor C then reports this diagnosis and proposed treatment plan with Chiropractor A and Patient B via telephone. Patient B is then referred to Chiropractor C for any questions that relate to implementation of the treatment plan.

In this situation, Chiropractor C must be licensed by the Commission to provide these services.

Hypothetical #4 – Consult

Chiropractor A takes an X-ray image of Patient B. Both Chiropractor A and Patient B are located in Washington. Chiropractor A examines the X-ray image and makes a finding but wants a second opinion.

Chiropractor A then sends this X-Ray image to Chiropractor C who resides and is licensed in another state. Chiropractor C looks at the X-ray image and agrees with Chiropractor A's finding. Chiropractor A then reports this finding and a proposed treatment plan with Patient B.

Chiropractor A would need to be licensed in Washington, but Chiropractor C would not need to be licensed in Washington because this consultation appears to meet the requirements of the peer-to-peer exemption outlined above (assuming the other criteria are met).

Standard of Care

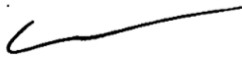
The Commission shall treat chiropractic care delivered by a chiropractor through telehealth in an identical manner to the provision of chiropractic care delivered by a chiropractor in person. Washington State licensed chiropractors should be familiar with the laws regulating the profession, particularly RCW 18.25 and WAC 246-808.

For example, a chiropractor is required to keep “complete and accurate documentation on all patients and patient encounters” (per WAC 246-808-560) and this requirement is applied to patient encounters that occur “in-person” or “face-to-face” in the same manner as patient encounters that occur via telehealth.

A failure to conform to the standard of care as required by law, whether the chiropractic care is provided in-person or via telehealth, may subject the chiropractor to potential discipline by the Commission.

Equipment and Technology

The Commission does not endorse or evaluate the suitability of specific equipment and technology used to provide telehealth services. The Commission will consider whether the provision of telehealth services meets the standard of care for the provision of chiropractic care.



March 19, 2020

David Folweiler, DC, Chair

Date