

## **Notice of Adoption – Policy Statement**

### **Chiropractic Quality Assurance Commission**

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**Title:** Telehealth Policy

**Issuing Entity:** Chiropractic Quality Assurance Commission

**Subject Matter:** The Chiropractic Quality Assurance Commission (commission) developed this policy statement to address licensing requirements, standard of care and the role of the commission in evaluating technology and equipment used to facilitate telehealth services.

**Effective Date:** July 11, 2024

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## Policy Statement

<b>Title:</b>	Telehealth Policy
<b>Policy Statement Number:</b>	CH-3-19-20B
<b>Document Number:</b>	
<b>References:</b>	Chapters 18.25, 18.134 RCW, and 246-808 WAC
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<b>Approved By:</b>	Dana Clum, DC, Chair, Chiropractic Quality Assurance Commission

This policy statement establishes the Chiropractic Quality Assurance Commission’s (commission) approach to address three areas related to the provision of chiropractic services via telehealth to Washington patients: licensing requirement; standard of care; and the role of the commission in evaluating technology and equipment used to facilitate the provision of telehealth services.

As noted by the Washington State Department of Social and Health Services<sup>1</sup>:

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

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<sup>1</sup> 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).

services can be particularly beneficial for clients/patients that live in geographically remote or underserved areas, including urban areas.

As noted by the Washington State Department of Health<sup>2</sup>:

Telehealth is a general term that can include education, consultation, video conference meetings, and patient contact.

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 to Washington patients.

#### Definitions

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

1. **Asynchronous Communications** means one way at a time communication.
2. **Chiropractic Care** has the same meaning as chiropractic in RCW 18.25.005.
3. **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.
4. **Originating Site** means the physical location of a patient receiving chiropractic services through telehealth. Examples of this include a patient's home, a video conference facility, or a clinic.
5. **Professional Practice Standard** includes, but is not necessarily limited to:
  - a. A standard of care;
  - b. A standard of professional ethics; and
  - c. A practice requirement imposed by a disciplining authority.

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<sup>2</sup> Washington State Department of Health, Clarion Call for Public Health's Role in Telehealth & Digital Health, November 2023, [https://doh.wa.gov/sites/default/files/2023-12/81015-2023Telehealth report](https://doh.wa.gov/sites/default/files/2023-12/81015-2023Telehealth%20report).

6. **State** means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any other territory or possession subject to the jurisdiction of the United States. The term includes a federally recognized tribe.
7. **Synchronous Communications** means two-way real-time communications, such as video- teleconferences and telephone.
8. **Telehealth** includes telemedicine and means the use of asynchronous or synchronous telecommunication technology by a chiropractor to provide chiropractic services to a patient at a different physical location than the chiropractor. “Telehealth” does not include the use, in isolation, of email, instant message, text messaging or fax.
9. **Telehealth services** means chiropractic care provided through telehealth.

## Licensing Requirements

Generally, practitioners providing chiropractic services via telehealth to patients located in Washington State must hold either a license or temporary practice permit issued by the commission, with limited exceptions.

Three of these exceptions apply to out-of-state chiropractors. These three exceptions permit an out-of-state chiropractor, who holds a license or certification in good standing in another state, to provide telehealth services to a patient located in Washington without being licensed by the commission if the:

1. Chiropractic services are provided in the form of a consultation with a health care practitioner who has a practitioner-patient relationship with the patient and who remains responsible for diagnosing and treating the patient in the state;
2. Chiropractic services are provided in the form of a specialty assessment, diagnosis, or recommendation for treatment. This does not include the provision of treatment; or
3. Chiropractic services are provided in the form of follow up by a primary care practitioner, mental health practitioner, or recognized clinical specialist to maintain continuity of care with an established patient who is temporarily located in this state and received treatment in the state where the practitioner is located and licensed.

## Chapter 18.134 RCW

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, and no exception to licensing applies (see RCW 18.130.190, Engrossed Substitute Senate Bill (ESSB) 5481).

### **Hypothetical #1 – Virtual Encounter with Patient**

A chiropractor, located in Washington, 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 (located outside of Washington). 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 telehealth conference. During this telehealth 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 because none of the exceptions to licensure apply.

### **Hypothetical #3 – Specialty Diagnosis and Recommendation for Treatment**

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, a specialist, who resides and is licensed in another state.

Chiropractor C reviews the X-ray image and other pertinent records, makes a diagnosis, and recommends a treatment plan for Patient B. Chiropractor C then reports this diagnosis and recommended treatment plan with Chiropractor A. Chiropractor A discusses the report with Patient B before finalizing a treatment plan for Patient B.

In this situation, Chiropractor C does not need to be licensed by the commission to provide this service because the specialty diagnosis and recommended treatment falls within one of the exceptions noted above.

### **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 fall within one of the three exceptions noted above.

### Professional Practice Standards

The commission must treat chiropractic care delivered by a chiropractor through telehealth in an identical manner to the provision of comparable chiropractic care delivered by a chiropractor in person (Section 5 of ESSB 5481). Washington State licensed chiropractors should be familiar with the laws regulating the profession, particularly chapter 18.25 RCW and 246-808 WAC.

For example, a chiropractor is required to keep "complete and accurate documentation on all patients and patient encounters" (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 chiropractor's failure to conform to professional practice standards, including the standard of care as found in chapter 18.25 RCW and 246-808 WAC 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.