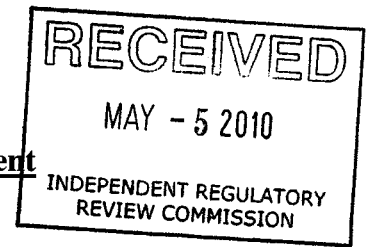


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State Board of Chiropractic
Regulation 16A-4315: Review of Chiropractic Treatment
Proposed Regulation



PROPOSAL: Regulation 16A-4315 is Proposed Regulation which was published in the *Pennsylvania Bulletin* on March 27, 2010. The House Professional Licensure Committee has until May 17, 2010 to submit comments on the Proposed Regulation.

Regulation 16A-4315 amends 49 Pa. Code, Chapter 5 by adding Sections 5.55 and 5.56 (relating to independent chiropractic examination; chiropractic peer review).

PROPOSED REGULATION ANALYSIS: Proposed new Section 5.55 addresses Independent chiropractic examinations. Section 5.55(a) sets the basic required qualifications for a chiropractor who performs an independent chiropractic examination: the chiropractor must be currently licensed; engaged in the clinical practice of chiropractic at least 20 hours a week; and, have professional liability insurance that covers independent chiropractic examinations.

Section 5.55(b) prohibits a chiropractor from performing an independent chiropractic examination if there has been previous professional involvement with the patient or provider under review; if precertification, case management, vocational rehabilitation or any other services in the same matter has been performed or provided; and if impartiality may be reasonably questioned.

Section 5.55(c) requires a chiropractor performing an independent chiropractic examination to obtain and review the patient record of the currently treating chiropractor.

Section 5.55(d) requires a chiropractor performing an independent chiropractic examination to take a patient's history and perform a clinical examination and complete a patient record pursuant to Section 5.51 (relating to patient records).

Section 5.55(e) requires a chiropractor performing an independent chiropractic examination to prepare, review and sign a report which contains at least the nature and extent of all records reviewed including other information presented such as test results; a recital of history, clinical examination and findings; all tests performed, including the basis for conducting each test and the results; a review of the patient's response to prior care and treatment; all other facts with their source upon which any opinion is based; and the clinical rationale for any opinion expressed with respect to the patient's current condition.

Section 5.55(f) requires a chiropractor performing an independent chiropractic examination to provide a copy of the signed report to the treating chiropractor.

Section 5.55(g) prohibits a chiropractor performing an independent chiropractic examination from recommending to the patient any alterations in care or soliciting the patient for care.

Section 5.55(h) defines the term "independent chiropractic examination" as a chiropractic examination and evaluation performed by a chiropractor other than the one currently providing a

patient with care which is used for the purpose of determining the patient's current chiropractic condition and prognosis. It includes an examination by a chiropractor under Section 314 of the Workers' Compensation Act or Section 1796 of the Vehicle Code.

Proposed new Section 5.56 addresses Chiropractic peer review. Section 5.56(a) sets the basic required qualifications for a chiropractor who performs a chiropractic peer review in the Commonwealth: the chiropractor must be currently licensed; engaged in the active practice of chiropractic and the specialty of the chiropractic treatment at least 20 hours a week; hold a valid adjunctive procedures certificate issued by the Board, if the review addresses adjunctive procedures; and, have professional liability insurance that covers chiropractic peer review.

Section 5.56(b) prohibits a chiropractor from performing a chiropractic peer review if there has been previous professional involvement with the patient or provider under review; if precertification, case management, vocational rehabilitation or any other services in the same matter has been performed or provided; and if impartiality may be reasonably questioned.

Section 5.56(c) requires a chiropractor performing a chiropractic peer review to prepare, review and sign a report which contains at least the nature and extent of all records reviewed including other information presented such as test results; a review of the patient's response to prior care and treatment; all other facts with their source upon which any opinion is based; and the clinical rationale for any opinion expressed with respect to the patient's prognosis and need for chiropractic care.

Section 5.56(d) requires a chiropractor performing a chiropractic peer review to provide a copy of the signed report to the treating chiropractor.

Section 5.56 (e) defines the term "chiropractic peer review" as a review and evaluation of chiropractic patient records performed by a chiropractor other than the one currently providing a patient with care which is used for the purpose of determining the appropriateness of continued chiropractic care. The term includes utilization review under Section 306(f.1)(6) of the Workers' Compensation Act and peer review under Section 420 of the Workers' Compensation Act or under Section 1797(b) of the Vehicle Code (relating to customary charges for treatment).

RECOMMENDATION: It is recommended the House Professional Licensure Committee take no formal action until final regulations are promulgated and submit the following comments:

1. The Committee questions the purpose/need for Proposed Regulation 16A-4315 and requests an explanation of the harm/lack of efficiency that it seeks to rectify.
2. The Committee recommends that, rather than defining "independent chiropractic examination" in Section 5.55(h) and "chiropractic peer review" in Section 5.56(e) at the end of each section, the definitions be placed in Sections 5.55(a) and 5.56(a) and the remaining provisions be relettered.
3. The Committee requests an explanation for the need to specify that professional liability insurance cover a chiropractor performing independent chiropractic examinations in Section 5.55(a)(3) and chiropractic peer reviews in Section 5.56(a)(4). Wouldn't a

professional liability insurance policy already cover the practice of a chiropractor,
especially for independent chiropractic examinations even if chiropractic peer review is
not covered?

House of Representatives
Professional Licensure Committee
May 5, 2010