

Spinal Manipulation in the State of Washington



2014 APTA State Policy and Payment Forum Seattle, WA

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The signing of SHB 2160 March 28, 2014



Overview



- Spinal Manipulation Prohibition Repeal
- Endorsement Requirements per 2160
 - [http://apps.leg.wa.gov/documents/billdocs/2013-14/Pdf/Bills/House Bills/2160-S.pdf](http://apps.leg.wa.gov/documents/billdocs/2013-14/Pdf/Bills/House%20Bills/2160-S.pdf)

Negotiations between PTWA and WSCA



- Completion of the first two tiers of the legislative agenda
 - 1999 Sunrise Review
 - Title protection, Sharp Debridement & Needle EMG (2005)
 - PTA Licensure (2007)
- Ongoing meetings with WSCA
 - September 2008, and October 2008
 - 2009 – Bill introduced; Meetings in November and December with the WSCA
 - 2010 - Communication with Sen. Fairley
 - Dec 2011 Rep Moeller
 - 2012 November and December meetings held with Rep Jinkins
 - Seattle Coffee Meeting
- Ongoing meetings between Melissa Johnson and Representative Eileen Cody, chair of the House Healthcare Committee and Representative Laurie Jinkins, when she became tasked with the negotiations.

Bill Progressions



- Initial 2009; blanket repeal of the prohibition
- 2012 Advanced Certifications, Specialists, Fellows, 2009 grads
- 2013 Progression of hours in practice added to 2012 version
- 2014 Depth of hours, education, advertising prohibition, coordination of care and consulting clauses
- Final 2014...Legislator negotiated bill SHB 2160

WSCA Responses



- WHO Spinal Manipulation Language for Chiropractic Practice
- HOURS
- “New” language drafted in the eleventh hour prior to live meetings.

World's Apart

- Could not keep on this way



Plexus April May 2013.pdf (page 31 of 32)

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Support the Washington State Chiropractic Trust!

Help us stop Physical Therapists' efforts to expand their scope of practice into spinal manipulation.

"Every chiropractor in Washington needs to understand that their future is impacted by our success. We need your help!"

—Dr. David Butters, WSCT President

Send your contribution today to:
WSCT
PO Box 2163, Seattle, WA
98111-2163

January 30, 2013



- PTWA and WSCA were asked to enter into a Formal Mediation Process
- Guided by the Pierce County Dispute Resolution Center
- PTWA Team
 - Dan Anton – EWU Educator
 - Susan Chalcraft – Past President, Past Legislative Chair
 - Robin Schoenfeld – Current Legislative Chair
- WSCA Team
 - Austin McMillin, WSCA President
 - Dave Butters, WSCA Board member
 - Lori Nichols, WSCA Past President

Mediation Ground Rules



- Both parties had to agree
- Good Faith
- Confidential
 - However, Work Product remained under the control of the party that produced it.
 - It could be shared (as per Mediator MHQ)
- WE PAID (APTA & PTWA)
 - Maralise Hood-Quan and Lori Buchsbaum donated mediation time at the PCDRC
 - Maralise was former legislative assistant
- Ended at Impasse, return to the table with new ground rules later in 2013.

Mediation Goals



- Educate the Chiropractors about our professional education
- Identify the true underlying concerns of the WSCA
- Try to alleviate fears
- Devise common bill language

Secondary Goals of Mediation



- Identify threats and devise improved PTWA spinal manipulation bill language, without agreement.
 - Easily championed
 - Answered opposition's concerns
 - Show willingness to try anything to get an agreement with WSCA
 - Improved PTWA arguments for legislators with strong chiropractic constituencies.

PTWA Team Collaboration

- Worked on shared documents over weekends
- Plan prior to meetings
- Prompt & Professional



Live meetings

- Circular arguments
- Unwilling to shift paradigm
- Difficulty moving forward



2014 Legislative Session



- H-3137.1 December Pre-filed bill
- Short 60-day 2014 legislative session
- Proposed SHB 2160 drafted February 1, 2014
 - Continued vetting of bill language with APTA, manual therapist experts, educators

Final Bill Passes

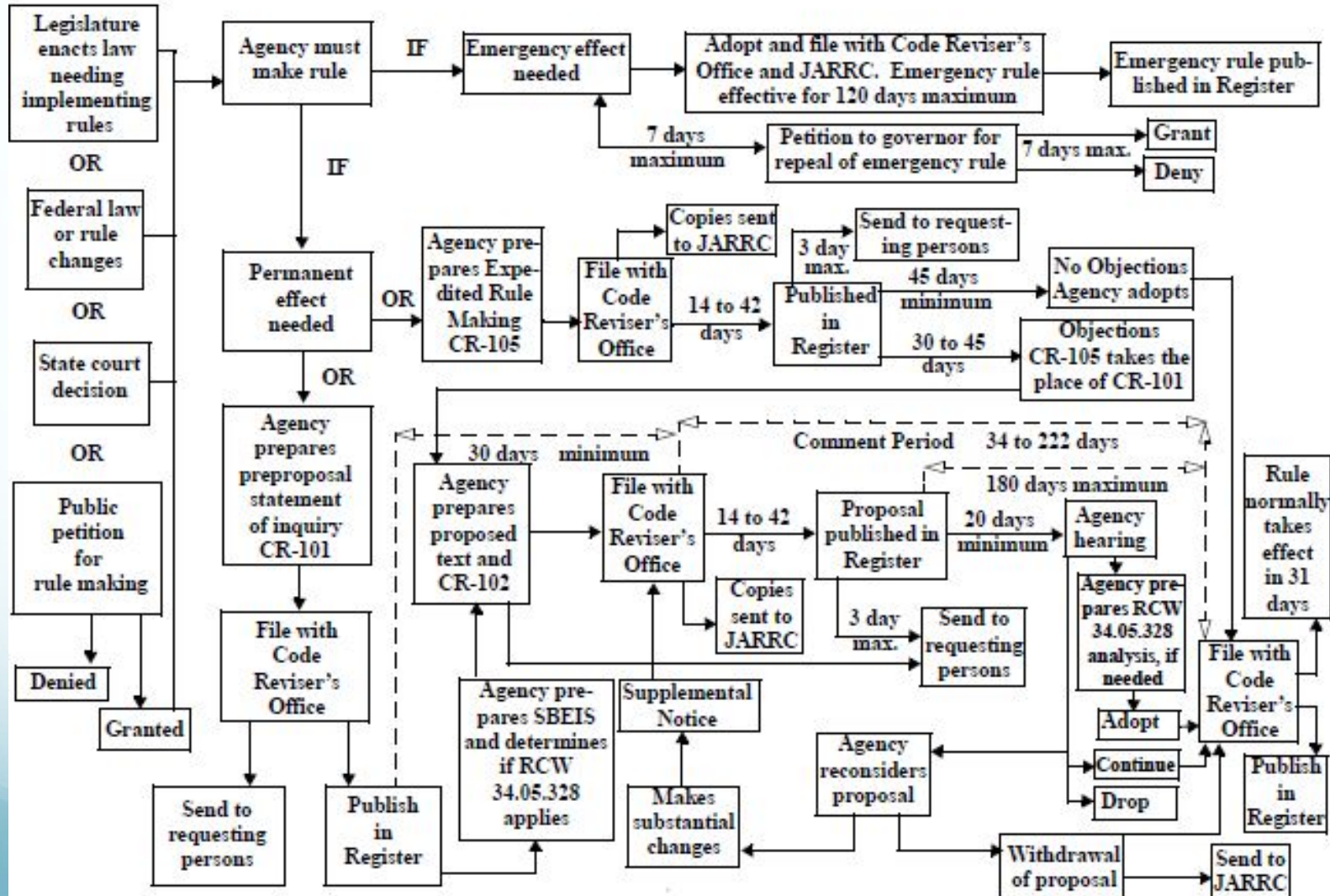
Engrossed Substitute House Bill 2160



- Through the House, 92-6
- Through the Senate, 49-0
 - Senate health care committee almost altered bill
 - Amendments raised on the floor of the Senate during voting
 - Senator Bruce Dammeier our Senate champion
- Committee and floor speeches
 - “Vote for this bill so we never have to hear about it again!”
- Internal pressure on both associations to achieve an agreement in 2014

We are here

RULE-MAKING PROCESS



Other Legislative Issues



- (Legislative) life does not stop for spinal manipulation
 - PTWA worked on other important issues during this process
 - Medicaid reimbursement
 - Healthcare Exchange
 - Cost sharing
 - Athletic Trainers
 - Suicide Prevention
 - Dry Needling

Lessons Learned



- Caveat: Hindsight is 20/20!
- Control legislator mediators as much as possible
- Address “issue fatigue” with PTWA members
- Re-start negotiations immediately after session adjourns
- Balance good bill language (or language we can live with) with need for a bill to pass
- Relationships with legislators outside the mediation critical
- Choose mediation team strategically (we did this one exactly right!)

Looking Ahead

- **Spinal Manipulation practice is legal with endorsement July 1, 2015.**
- **Licensing Board of PT reports to Legislature November 15, 2019.**
- **July 1, 2020:** Grandfather clause expires.
- **New Legislative Agenda**

