

Excise Tax Advisory

Excise Tax Advisories are interpretive statements authorized by RCW 34.05.230.

ETA 3237.2023

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Prosthetic Devices Sold by Chiropractors

Overview

This excise tax advisory (ETA) addresses the application of retail sales tax on prosthetic devices sold by licensed chiropractors.

Background

[RCW 82.08.0283](#)(1)(a) provides a retail sales tax exemption for sales of prosthetic devices that are “prescribed, fitted, or furnished for an individual by a person licensed under the laws of this state to prescribe, fit, or furnish prosthetic devices, and the components of such prosthetic devices.”

The exemption also applies to charges for labor and services that are rendered in the repairing, cleaning, altering, or improving of an exempt prosthetic device.

[RCW 82.12.0277](#) provides a corresponding use tax exemption.

Chiropractor Authority to Prescribe Prosthetic Devices

[Chapter 18.25 RCW](#) regulates chiropractors, including their licensure and scope of practice, in the state of Washington.

[Chapter 18.200 RCW](#) regulates orthotic and prosthetic services. [RCW 18.200.020](#) provides that an orthotist or prosthetist may only provide a new prosthetic device under an order or referral by an authorized health care practitioner. [RCW 18.200.010](#)(10) recognizes chiropractors as “authorized health care practitioners.”

As such, licensed Washington chiropractors are authorized under Washington law to prescribe prosthetic devices to their patients so long as those prosthetic devices are within their scope of practice, as defined by [RCW 18.25.005](#). Therefore, chiropractors may sell prescribed prosthetics to their patients without charging retail sales tax.

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**What is a
“Prosthetic Device”
for Tax Exemption
Purposes?**

[RCW 82.08.0283](#)(4)(a) defines “prosthetic device” to mean:

A replacement, corrective, or supportive device, including repair and replacement parts for a prosthetic device, worn on or in the body to:

- (i) Artificially replace a missing portion of the body;
- (ii) Prevent or correct a physical deformity or malfunction; or
- (iii) Support a weak or deformed portion of the body.

The phrase “worn on the body” means:

An entire device that is put on and habitually carried on their person.

A device is not “worn on the body” if it is merely attached to the body in some way for a period of time or if it is partially floor-standing, plugged into an outlet, or moved with some kind of assistance (i.e., the device is placed on a cart or the device itself has wheels to facilitate movement). [WAC 458-20-18801](#)(206)(b).

**What is a
Chiropractor’s
“Scope of Practice”
for Tax Exemption
Purposes?**

Any prescribed prosthetic device must be within a chiropractor’s defined scope of practice. [RCW 18.25.005](#)(1) provides that “chiropractic” health care deals with the diagnosis or analysis and care or treatment of vertebral subluxation complex and its effects, articular dysfunction, and musculoskeletal disorders. Therefore, a chiropractor may prescribe a prosthetic device that assists in the alignment of their patient’s back and spine such as a back brace as that is within their scope of practice. However, licensed chiropractors may not prescribe a prosthetic device that is outside of their scope of practice such as hearing aids or other such devices.

**Examples of Exempt
Prosthetic Devices
Prescribed by
Chiropractors**

Examples of prosthetic items under [WAC 458-20-18801](#) (see generally Table 5 of this rule) that chiropractors may prescribe, fit, or furnish within their scope of practice without collecting and remitting retail sales tax include, but are not limited to:

- Ankle braces,
- Back braces,
- Orthopedic shoes, shoe lifts, inserts, arch supports, heel protectors,
- Cervical collars, or
- Compression stockings.

**Taxability of Drugs
and Supplements**

Chiropractors may provide dietary advice and may recommend nutritional supplementation in the course of their practice, but chiropractors are not authorized to prescribe or dispense medicines, drugs, or dietary supplements. [RCW 18.25.005](#)(2) and (4). As such, chiropractors must collect and remit sales tax on any

and all nutritional or dietary supplements sold in the course of their practice as chiropractors do not have authority to prescribe such treatments. See [Det. No. 13-0276, 33 WTD 153 \(2014\)](#), [Det. No. 15-0075, 35 WTD 482 \(2016\)](#), and [Det. No. 16-0340, 38 WTD 017 \(2019\)](#).

Documentation

When selling prescribed prosthetic devices, chiropractors must maintain records documenting that the sale was properly exempt from retail sales tax.

**Business and
Occupation Tax**

Chiropractors must generally report their income under the “Service and Other Activities” Business and Occupation (B&O) tax classification. [RCW 82.04.290\(2\)](#) and [WAC 458-20-224](#).

To the extent that chiropractors sell any items of tangible personal property (e.g., dietary supplements) to patients or other consumers, these sales are considered retail sales and should be reported under the “Retailing” B&O tax classification and retail sales tax must be collected and remitted. [RCW 82.04.250\(1\)](#). The sale of prosthetic devices must also be reported under the “Retailing” B&O tax classification, but the collection and remittance of retail sales tax is not required if the prosthetic devices sold fulfill the exemption requirements as detailed in this ETA.
