



Chiropractic Quality Assurance Commission Newsletter – March 2022; Edition 1 Welcome to the Chiropractic Quality Assurance Commission Newsletter

Our newsletter’s purpose is to help inform the chiropractic community of issues related to Washington State chiropractic [statutes](#) and [rules](#), and the work of the [Chiropractic Quality Assurance Commission](#) (Commission).

Message from the Chair – David Folweiler, DC

Last month, Governor Inslee announced the removal of some state-wide indoor mask mandates as of March 12, 2022. I want to remind chiropractors, their staff, and their patients that **the removal of the state-wide mask mandate does not apply to health care settings, including chiropractic clinics.**

The requirements for chiropractors and their staff to **comply with mask and vaccine mandates** have not changed as I write this in early March. We have not heard when and/or if the mask and vaccine mandates will change for healthcare facilities.

The removal of the mask mandates only applies to facilities outside of healthcare settings, such as schools, restaurants, gyms, and grocery stores.

The **COVID precautions** for chiropractic clinics continue to include:

- **On-site fever and symptom screening.**
- **Posted signage regarding hand hygiene.**
- **Social distancing** to the extent possible.
- **Limitations on visitors** to the clinic.
- **Mask-wearing.**
- **Providers and staff are subject to COVID vaccine requirements.**

Commission staff and members continue to meet remotely. There are a few changes to visiting WA Department of Health facilities, but none yet that would allow us to meet in person or travel on behalf of the commission.

I have nothing but great admiration for the commission staff as they work remotely in a very difficult time. Their dedication to the commission makes me proud.

Like many of you, I am looking forward to the end of pandemic restrictions and a return to life as we knew it before the pandemic, but we are not quite there yet.

Hang in and hang on, people. Stay safe and continue to provide valuable chiropractic care to the residents of the great state of Washington!

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Governor

The Honorable Jay Inslee

Department of Health

Umar A. Shah, MD, MPH,
Secretary

Bob Nicoloff
Executive Director

Tammy Kelley
Deputy Executive Director

Jenny Yeam
Credentialing Lead and
Compliance Manager

Betty Moe
Regulatory Analyst

Commission Members

David Folweiler, DC, Chair

Dana Clum, DC, Vice-Chair

Vanessa Wise, DC, Vice-Chair

Michael Bostjancic, DC

Susan Bogni, Public Member

Brian Chan, DC

Stephen Chan, DC

Dana Clum, DC

William Davis, DC

Susan Jensen, JD, Public Member

Michael Long, DC

Rebecca Taylor, DC

Jaskirat Walia, DC

Judge Julie Spector (ret.), Public
Member

Commission Member Spotlight

By: Bill Davis, DC

Dr. Bill Davis grew up in Eastern Washington on his family's dry land wheat farm. He was introduced to the chiropractic profession while a senior in high school as a result of a football injury. He was referred by his head coach, who had had great success through chiropractic care, for evaluation and treatment. Chiropractic care was successful almost immediately and left a huge impression on Dr. Davis.

Dr. Davis played varsity football in college and then entered Palmer College of Chiropractic in Davenport, Iowa. After graduating in 1982, Dr. Davis returned to eastern Washington and bought a practice in Ephrata. It's funny how things work out sometimes, but believe it or not, the practice he bought was the practice of the chiropractor who he first saw when he was in high school.

Dr. Davis started practice on June 6, 1983 and never left. Dr. Davis served as President of the Chiropractic Society of Washington in 1991 and 1992 and was a Charter Board member of what became the Washington State Chiropractic Association. Dr. Davis served as a board member for the WSCA for 7 different terms and became its President in 2005. He was named Chiropractor of the Year by both the Chiropractic Society of Washington and the Washington State Chiropractic Association.

Dr. Davis was appointed by Governor Inslee to the Chiropractic Quality Assurance Commission in 2019. Dr. Davis is an avid golfer and continues to participate in Ironman Triathlons throughout the United States and Internationally.

What is an Early Remediation Plan?

By Tammy Kelley, Deputy Executive Director

For many years the commission struggled with how to handle certain complaints when there was evidence of a violation. There were limited options for resolving complaints, those options included closure with no action, disciplinary action or a Notice of Correction.

The commission found that oftentimes a complaint involved a violation of a law or rule, but the violation wasn't significant in nature and there had been no harm to patients. These complaints were an issue for the commission because there was evidence that a violation had occurred so it wasn't appropriate to just close the complaint. Taking disciplinary action for minor violations seemed excessive but a Notice of Correction was the only other option and it can't be used when the violation relates to the standard of care. For many years the commission struggled with the fact that we couldn't simply send the chiropractor a letter telling them what they'd done wrong and how to prevent it from happening again in the future.

This issue was particularly frustrating to former commission member, Dr. Mathew Waldron. Throughout his time on the commission, he shared his dissatisfaction with the limited options and did a lot of research looking for another way to handle these cases. That's where the idea of early remediation started.

When Dr. Waldron learned that the Washington Nursing Commission had created a rule allowing for Early Remediation Plans, he knew that the Chiropractic Commission would want to consider something similar. Soon after, the commission began working on a rule and in 2019 WAC 246-808-050 Early remediation program, went into effect.

The early remediation program is an informal way of encouraging health care providers to participate in education or training to improve their clinical practice to resolve complaints alleging clinical deficiencies. Following successful completion of all the terms and conditions of an Early Remediation Plan, the Commission will not take disciplinary action against a license and no report will be made to the National

Practitioner Data Bank. However, closed complaints may be disclosed to the public under the Public Records Act, chapter 42.56 RCW.

An Early Remediation Plan allows the chiropractor to take action to assure the commission that the violation won't reoccur and prevents the commission from taking disciplinary action. This saves both the commission and the chiropractor significant time and resources while still protecting the public.

Counsel on Licensure, Enforcement and Regulation (CLEAR)

By: Vanessa Wise, DC

When entering the regulatory field, one would assume that those in the medical field would have specific regulatory bodies. However, it was very interesting to learn that many other professions, not just health care, also have regulatory boards that help to keep the public safe and regulate their respective professions. There is also an organization made up of individuals, agencies and regulatory boards that are involved in the international community of professional and occupational regulation. This organization is known to many professions and regulators throughout the United States and the world as CLEAR.

CLEAR is an organization made up of many nations worldwide, including the UK, Canada, the US, and many others. CLEAR helps bring regulatory boards throughout the world together for the sharing of ideas, as well as presenting new and innovative approaches in the ever-changing regulatory environment.

Throughout the course of COVID, working in a regulatory environment has presented many challenges. CLEAR has been able to offer ideas and possible solutions that regulators can use to still address issues while staying remote.

CLEAR utilizes experts in various fields as presenters at their seminars and conferences. They offer lectures on a wide variety of topics from "grooming" in a sexual misconduct paradigm, to more recent topics like "Practical solutions to challenges raised by new laws and regulations in a 'post'-pandemic world".

Each of these lectures is led by leaders in their fields such as attorneys, executive directors of regulatory boards, and even sometimes regulators themselves. These seminars offer tidbits of insight as to what other professions and agencies are doing and dealing with that, we, as a regulatory body, can incorporate to make ourselves even better.

CLEAR offers cutting-edge information about various topics. For example, a web conference they held on "grooming" was very insightful and gave examples of how not only providers, but others in authoritative positions, might use grooming to sway their pupils (in our case, patients) in certain ways. Topics like these help us educate our stakeholders and profession to be more aware of some behaviors or comments that they may say or do, thinking they're being complimentary, that are interpreted as more. Or, to remind our profession about rules around boundaries and to be mindful of remaining professional.

CLEAR offers several small webinars throughout the year, more advanced trainings such as investigator methodology, and even international conferences for attendees worldwide. Unfortunately, due to Covid restrictions, the in-person conferences have not been happening however they have offered one-hour on-line seminars, and some are live-interactive sessions with Q and A.

Regulation is an ever-changing field and having resources to help stay current with changes is vitally important for our profession. Educational platforms like CLEAR help us to stay educated about regulations and to in turn pass that education on to the rest of the profession.

Disciplinary Actions

Information about healthcare providers is included at the Department of Health's website. Select [Provider Credential Search](#) on the Department of Health home page (www.doh.wa.gov). The site includes information about a healthcare provider's license status, the expiration and renewal date of his or her credential, disciplinary actions if any, and copies of any legal documents issued after July 1998. You may also get this information by calling 360-236-4700. Consumers who are concerned that a healthcare provider acted unprofessionally are encouraged to report a [complaint here](#).

The Chiropractic Quality Assurance Commission has taken the following disciplinary actions:

Clark County

In December 2021 the Chiropractic Commission found chiropractor **John Anthony Lewis** (CH00002998) committed unprofessional conduct and subjected his license to oversight pending completion of an ethics course and payment of a fine. Lewis' conduct with a patient fell below the standard of care because he did not adequately explain procedures before performing adjustments.

Grant County

In August 2021 the Chiropractic Program suspended the license of chiropractor **Richard L. Ribellia** (CH00001412) for multiple counts of unprofessional conduct, improper documentation of care, and sexual misconduct. Ribellia touched several patients in an inappropriate manner and unnecessarily exposed patients' breasts while conducting examinations.

King County

In January 2022 the Chiropractic Commission withdrew charges against chiropractor **John Babich** (CH00002224).

In December 2021 the Chiropractic Commission and chiropractor **Austin Daw-Lin Hsu** (CH00034771) entered an agreement that revokes Hsu's license. Hsu pled guilty to wire fraud in U.S. District Court for fraudulently applying and receiving loans through the paycheck protection program.

Kitsap County

In January 2022 the Chiropractic Commission suspended chiropractor **Blake Joseph Wagner** (CH00003095) for failing to comply with a 2020 agreed order that required adherence to a substance use contract.

Pierce County

In September 2021 the Chiropractic Commission entered an agreement with chiropractor **Thomas Anthony Velickoff** (CH00034710) and granted his request for reinstatement and placed his license on probation for three years. Velickoff must comply with the terms and conditions of the agreement and have a monitor present during treatment of all patients.

In July 2021 the Chiropractic Commission charged chiropractic X-ray technician **Alayna S. Thompkins** (CX60486392) with unprofessional conduct. Thompkins allegedly was convicted of numerous theft and

trafficking stolen property charges, and failed to submit an explanation to the department regarding a complaint received. In November 2021 the Commission permanently revoked her x-ray technician license with no right to reapply.

Skagit County

In October 2021 the Chiropractic Commission indefinitely suspended the chiropractic license of **Steven M. Rindal** (CH00000920) for failing to cooperate with a DOH investigation.

Thurston County

In August 2021 the Chiropractic Commission entered an agreed order with chiropractor **Burton Allan Sowers** (CH00002958) and will monitor his license for at least three years. Sowers must comply with terms and conditions including paying a fine and undergoing a complete psychological evaluation.

Commission Composition

The Commission is composed of eleven chiropractors and three public members, all appointed by the governor. Commission members may serve a maximum of two four-year terms. All members must be U.S citizens and must be residents of Washington.

Commission duties include:

- Establishing qualifications for minimal competency to grant or deny licensure of chiropractors.
- Regulating the competency and quality of professional healthcare providers under its jurisdiction by establishing, monitoring and enforcing qualifications for licensure.
- Establishing and monitoring compliance with continuing education requirements.
- Ensuring consistent standards of practice.
- Developing continuing competency mechanisms.
- Assessing, investigating and making recommendations related to complaints.
- Serving as reviewing members on disciplinary cases and serve on disciplinary hearing panels. Serving as members of standing committees, when appointed.
- Developing rules, policies and procedures that promote the delivery of quality healthcare to state residents.

If you are interested in [applying for a position](#) on the Commission, or in learning more about Commission member duties, please read the information on our website

<https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/Chiropractor/CommissionInformation> or contact the executive director at 360-236-4924 or at bob.nicoloff@doh.wa.gov.

Do you have ideas or suggestions for future Commission newsletters? Is there something specific that you think we should address or include? Please submit suggestions to tammy.kelley@doh.wa.gov or CQAC@doh.wa.gov

Remaining 2022 Meeting Dates

May 12, 2022

July 14, 2022

September 8, 2022

November 10, 2022

Earn Continuing Education Credit!
Take the Continuing Education Quiz

The Commission is now allowing one hour of continuing education credit for reading this newsletter! To qualify, please take the quiz below. Keep the completed quiz with your other continuing education proof of completion.

If you are audited, provide the quiz along with your other proof of continuing education and you will receive one hour of continuing education under [WAC 246-808-150\(5\)\(p\)](#).

1. When will face masks no longer be required in health care settings?
 - March 21, 2022
 - They aren't currently required
 - Currently there is no end date
 - March 12, 2022
2. When did Dr. Bill Davis serve as the president of the Washington State Chiropractic Association (WSCA)?
 - 1983
 - 1992
 - 2005
 - He never served as the WSCA president
3. What does CLEAR stand for?
 - Committee for Licensure, Engagement and Regulation
 - Counsel for Licensure, Enforcement and Regulation
 - Creating Law Enforcement Accountability and Responsibility
 - Counsel for Language Education and Research
4. An Early Remediation Plan is reported to the National Practitioner Data Bank.
 - True
 - False
5. Copies of legal disciplinary documents for any action taken after 1989 are available online on the Department of Health's Provider Credential Search page.
 - True
 - False