



# Chiropractic Quality Assurance Commission Newsletter – September 2022; Edition 2 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 – Dana Clum, DC

It is an honor to have been elected chair of the Chiropractic Quality Assurance Commission this past July. I appreciate this privilege and look forward to the opportunity to learn, grow and serve in this capacity.

I was appointed to the commission in September of 2019... right before a lot of excitement unfolded in 2020. Much of my time on the commission has been during unprecedented and challenging times. After attending just a few in person meetings (in 2019 and early 2020), we moved completely to online, remote meetings. Unable to meet in person, we quickly pivoted and through different platforms, formats, and practice, we found our groove and discovered that remote meetings could offer an unexpected level of convenience and efficiency.

These last 2+ years as a commission, we have weathered countless challenges which has given us an opportunity to grow and improve. Driven by vision and purpose, I’m proud to say we have accepted the opportunity with great resilience and grit. In psychology “grit” is a trait driven by one’s passion and desire to achieve a long-term goal. I can proudly say that I stand alongside outstanding fellow Commissioners and staff who truly embody the definition of grit. We continuously strive to fulfill our mission to promote the delivery of quality chiropractic care to the residents of our state. Without this grit we would not have come through this time as powerfully as we have.

As Covid-19 guidance and mandates shift, we have an opportunity for further growth. As time passes, I look forward to meeting in person again. This will provide a new opportunity to leverage the flexibility, productivity, efficiency, and convenience we found during this time while beginning to build back elements of personal connection which we have been greatly missing. Such connection fosters richer experiences which can be channeled into creative innovation and cultural cohesion.

As we emerge from the Covid- 19 crisis, the future looks bright, and I am excited to see what this next year has in store for us all.

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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

Dana Clum, DC, Chair

Michael Bostjancic, DC, Vice-  
Chair

Vanessa Wise, DC, Vice-Chair

David Folweiler, DC, immediate  
past chair

Susan Bogni, Public Member

Brian Chan, DC

Stephen Chan, DC

William Davis, DC

Susan Jensen, JD, Public Member

Michael Long, DC

Jaskirat Walia, DC

Judge Julie Spector (ret.), Public  
Member

Benjamin Zepeda, DC

## **Commission Member Spotlight**

By: Michael Bostjancic, DC

As with many chiropractors, my pathway to becoming a chiropractor wasn't a straight line. It wasn't until I had taken a few different turns that I ended up where I was supposed to be. I was born and raised in the Renton Highlands where I attended Renton Technical College after high school. My direction at that time included working in autobody repair and refinishing because of my love for cars and anything automotive.

Following community college, I decided to complete my bachelor's degree at Seattle Pacific University. By random chance, while doing research for school, I was given the opportunity to work for King County Elections. I worked for King County for almost 4 years. It was through this experience I learned that I did not have a love for cubicles or breakrooms! I loved the people, but as you can imagine, it wasn't fulfilling.

While working for the County, my wife and I started dating. She was in school to be a chiropractor so when I started having headaches, she convinced me to give chiropractic a try. In honesty, I was doubting the validity of chiropractic but when it changed my life, I knew this is what I was supposed to do. We attended Life West University together and later returned to a family practice started by my father-in-law in 1986.

I have been lucky enough to work with 3 other family members in practice over the years who compassionately serve our community through chiropractic care. Seeing lives change never gets old and as you can imagine, that is what makes us passionate about what we do.

## **Corporate Practice**

By: Christopher Gerard, Assistant Attorney General

The Chiropractic Quality Assurance Commission (Commission) regularly receives questions from the public asking who may own a chiropractic office or business, and whether a chiropractor can employ other licensed health care professionals such as physical therapists, acupuncturists, or nurses.

The Commission has developed two Frequently Asked Questions (FAQs) to address these inquiries:

### Do I have to be a chiropractor to own a chiropractic office or business?

The commission doesn't have jurisdiction over business models. Chiropractors should seek legal counsel about corporate practice of medicine prohibitions and the Professional Services Corporation Act (PSCA) in RCW 18.100. However, if an unlicensed person interferes with a chiropractor's practice of the profession, it may constitute unlicensed practice under RCW 18.130.190. The secretary of health has jurisdiction over the unlicensed practice of chiropractic.

### Can I employ a physical therapist, acupuncturist, or other healthcare professional in my office?

As stated above, you should seek legal counsel concerning the PSCA and professions that may set up professional service corporations together.

Both of these FAQs emphasize the Commission is unable to answer these types of questions and instead must refer inquirers to seek their own legal counsel.

The corporate practice of medicine doctrine "provides that, absent legislative authorization, a business entity may not employ medical professionals to practice their licensed professions. This doctrine is derived of much

broader principles ‘addressed by both the statutory and common law of Washington’” (*Columbia Physical Therapy, Inc., P.S. v. Benton Franklin Orthopedic Assoc., P.L.L.C.*, 168 Wn.2d 421 (2010)).

The doctrine's rationale lies in the risk of harm presented to patients who receive services from health care professionals who are employed by a business and business owners who are not licensed to practice that profession.

The PSCA provides a statutory framework for a corporation to employ health care professionals to practice their licensed professions, which would otherwise be impermissible under the corporate practice of medicine doctrine. The PSCA includes a finite list of health care professionals who may be members of a professional services corporation. The PSCA is a statute that is separate and apart from the Chiropractic Statute, chapter 18.25 RCW, and the Uniform Disciplinary Act, chapter 18.130 RCW (UDA).

Chiropractors should direct questions about whether their business organization complies with Washington law to their own counsel because these questions often involve an interpretation of various Washington laws, which the Commission is unable to provide.

Notwithstanding the above, if a member of the public believes a chiropractor has engaged in unprofessional conduct they should not avoid filing a complaint with the Commission simply because it may involve the corporate practice of medicine doctrine or the PSCA as there also may be violations of the UDA involved.

### **Being a public member of the Chiropractic Quality Assurance Commission**

By: Susan Bogni

I became one of three public members appointed to the Chiropractic Quality Assurance Commission on September 4, 2019. Being appointed to the commission has given me the opportunity to continue my career in public administration and the healthcare field, which I have enjoyed for nearly 30 years.

A public member’s position on any board or commission is to introduce the public’s perspective in a field of professionals. For me, it has been learning about chiropractic, finding my place amongst other commissioners and staff; understanding applicable RCWs, WACs, sanctions, case reviews, processes, and procedures plus so many other areas. I know more about chiropractic adjustments, body manipulations, names and protocols than ever. I have learned to read and listen to cases where offering my layman’s view also gets heard.

Being a public member on a board or commission is a relationship where the overarching goal of protecting the public also involves protecting the profession. In addition to being viewed by the public as a voice into matters that concern them, public members are also involved with the work of understanding the views of the chiropractors...who must also understand the views of the public.

I definitely enjoy being a public member - for the breadth of learning that goes with it; for the pathway to continue doing the work of public administration; for the opportunity to continue improving quality assurance in healthcare professions.

## Highlights of the 2022 FCLB and NBCE Meetings

By: Vanessa Wise

The annual Federation of Chiropractic Licensing Boards met in person this year in Denver, Colorado. Dr. Sherry McAllister was chosen to give the Joseph Janse Lecture this year. She spoke passionately about chiropractic and bringing the profession together to help serve more. Each day there was at least one keynote speaker whose focus was less on licensing and more on balancing stressors in one's life.

The first, Mr. Ciocchetti, an attorney and Professor of Ethics from the University of Denver, focused on the importance of ethics at work and in life. He used stories to help cement these issues and emphasized how important keeping lines of communication open is. In the afternoon, there were concurrent sessions. A highlight included a speaker who emphasized how to better educate licensees, including improving note taking and communication; with the hope that less discipline will be needed in the future. This was a very interesting and informative lecture and one our commission members readily enjoyed.

The afternoon sessions wrapped up with a diversity, equity and inclusion presentation by Mr. Brian Francis, a former executive director of the Texas Dept of Licensing and Regulation. He brought unique perspectives about ways to reach out to stakeholders and ensure they feel included and that their voices are being heard.

There was also a National Board of Chiropractic Examiners Day. This day started with the second keynote speaker who was an author and PhD in Business Psychology who spoke about staying happy. He spoke about 10 things successful people do and shared an easy exercise one can do to relax the brain. He explained that getting into a meditative state is hard for many people and another option is to stare at a flame. He explained lighting a candle and watching and focusing on the flame can help to quiet the mind and relax it. Another example he gave was how one will often stare off into the flames while sitting around a bonfire outside. He explained that this "staring off" helps the mind similarly to resting it.

Next there was a plenary session where the NBCE board shared changes that were being implemented to Part 4 of the exam. The x-ray portion has been moved from the Part 4 test to the Part 3 test. They also spoke about other services the NBCE provides. The NBCE had their annual business meeting during lunch and gave a budget report on the organizations they donated money to, what their other expenditures were and what their incomes included. For more information or to check up on the most up to date data from these organizations please feel free to visit the websites at: [FCLB.org](http://FCLB.org) and [NBCE.org](http://NBCE.org)

### 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](http://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:

#### Benton County

In July 2022 the Chiropractic Commission placed **Nathan Scott Anderson's** chiropractic license (CH60440427) on probation. Anderson agreed to enroll and participate in a substance use monitoring program,

submit personal progress reports, and not visit any patients at home. From November 2017 to September 2018, Anderson visited a patient at home, during which time hydrocodone pills went missing. Also, he purchased a rifle from the patient without immediately fully paying for it.

### **Clallam County**

In April 2022 the Chiropractic Commission suspended for at least 12 months **Frank Henry Springob** (CH00001149). Springob, without forewarning, placed his hands into patient A's pants and massaged near her vagina.

### **Island County**

In July 2022 the Chiropractic Commission charged chiropractor **Rondle Jay Bennett** (CH00003565) with unprofessional conduct. Bennett allegedly failed to schedule a mental examination, as required by a 2021 agreed order.

### **King County**

In March 2022 the Chiropractic Commission charged chiropractor **Staten C. Medsker, Jr.** (CH00002796) with unprofessional conduct. Medsker's license has been suspended since 2018, but he allegedly practiced on a patient on five separate dates in March 2021.

In June 2022 the Chiropractic Commission charged chiropractor **Daniel Brighton Thompson** (CH00003013) with unprofessional conduct. When a Department of Health investigator went to Thompson's clinic to conduct a site visit, he allegedly swore at the investigator and ordered him to leave. The investigator sent two letters asking for an explanation, but Thompson has not responded in writing with an explanation.

In August 2022 state health officials summarily suspended the license of King County chiropractor **Robert Ulrich** (CH.00033882) pending further legal action. Ulrich was charged in King County Superior Court with possession of depictions of minors engaged in sexually explicit conduct, a class B felony, and with dealing in depictions of minors engaged in sexually explicit conduct.

### **Okanogan County**

In June 2022 the Chiropractic Commission charged chiropractor **John Herbert Hammer** (CH00003140) with unprofessional conduct. Hammer allegedly temporarily closed his business without notifying patients or staff. He also allegedly did not keep chart notes and failed to supply copies of patient records or an explanation to investigators.

### **Pierce County**

In May 2022 the Chiropractic Commission charged chiropractor **Jordan Nicole Landholm** (CH60721678) with unprofessional conduct for allegedly not wearing a face covering as required by the governor's proclamation.

In May 2022 the Chiropractic Commission charged chiropractor **Craig Patrick Lapenski** (CH00003689) with unprofessional conduct for allegedly not following required COVID-19 protocols, including wearing a face covering and screening patients for fever or other symptoms as required by the governor's proclamation.

### **Snohomish County**

In May 2022 the Chiropractic Commission charged chiropractor **Gordon Aubrey Myco** (CH00003460) with unprofessional conduct. He allegedly did not require patients or staff at the clinic he owns to wear face coverings or follow social distancing and COVID-19 screening guidelines.

### **Spokane County**

In April 2022 the Chiropractic Commission charged chiropractor **Timothy Bruce Price** (CH00034209) with unprofessional conduct for allegedly engaging in sexual activity and sexually demeaning behavior with a patient.

### **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 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](mailto: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](mailto:tammy.kelley@doh.wa.gov) or [CQAC@doh.wa.gov](mailto:CQAC@doh.wa.gov)

### **Remaining 2022 Meeting Dates**

November 17, 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. How many members of the Chiropractic Commission are public members?
  - Three
  - One
  - Five
  - Four
2. Where did Michael Bostjancic work prior to deciding to enroll in chiropractic college?
  - Pierce County Health Department
  - Xfinity
  - Countrywide Mortgage Company
  - King County Elections
3. What does PSCA stand for?
  - Pennsylvania State Chiropractic Association
  - Professional Services Corporation Act
  - Professional State Chiropractic Association
  - Pituitary Stem Cell Antigen
4. The Chiropractic Commission has jurisdiction over business models.
  - True
  - False
5. Susan Bogni's prior work history included?
  - Public Administration
  - The Washington State Liquor Control Board
  - American Counseling Association
  - Washington Real Estate Commission