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Chiropractic Quality Assurance Commission Newsletter – 2021; 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 Leadership

David Folweiler, DC, DACRB, Chair and Michael Bostjancic, DC Vice-Chair

There doesn't seem to be any end in sight for restrictions on certain activities, including gathering inside for an in-person seminar. Licensed chiropractors in Washington State should be aware that the Commission issued [a policy statement](#) in March 2020 allowing licensees to obtain all of their required 25 hours of continuing education in a multimedia format without penalty. The policy will remain in effect until it is rescinded at one of our public meetings or the governor issues a proclamation declaring the termination of the state of emergency declared by Proclamation 20-05, as amended by any subsequent amendatory proclamations, whichever is earlier.

Members of the Commission, along with members of the Washington State Veterinary Board of Governors, have formed a joint task force. The mission of the task force is to analyze the current laws and rules regarding animal manipulative therapy and explore different models that could be adopted in WA state. The veterinary law currently states that performing manipulation of animals for compensation is considered the practice of veterinary medicine and requires a DVM license. The task force members have agreed to continue with more meetings and to find ways to work collaboratively. The meetings have been well attended and there is a lot of interest in the topic. It's very helpful to have members of the task force and the public who are trained to perform animal manipulation, and who can describe the training process and their experiences. It's clear at this point that in many other parts of the country, there is better collaboration between chiropractors and veterinarians. One possible approach discussed by the task force was a certification that would require approved training. Please feel free to send in your comments on this topic and also attend the next online meeting.

We are all aware of how our lives have changed due to COVID-19 and keeping up with policy and practice changes can be challenging. The Commission has worked to provide licensees with guidelines that echo state requirements for safe practices during the pandemic. These guidelines can be found on the commission's webpage. **Please remember that face-coverings and social distancing are required in all indoor spaces, including in chiropractic clinics.**

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

Brandy Acuff
Health Services Consultant

Commission Members

David Folweiler, DC, Chair
Judy Colenso, Public Member
Vice-Chair

Michael Bostjancic, DC,
Vice-Chair

Maria Best, 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
Vanessa Wise, DC

The Commission has been receiving complaints regarding chiropractic clinics not complying with the rules and proclamations related to COVID-19. In most cases, the Commission provides technical assistance after a single complaint but if additional complaints continue to be received, an investigation will be authorized and we will also refer the complaint to the Department of Labor & Industries, as they regulate workplaces. Proven failure to comply with COVID-19 safety measures subjects chiropractors to discipline under the provisions of the Uniform Disciplinary Act (UDA). The Commission may impose conditions up to and including license suspension. We are hopeful the providers in Washington can be confident of the processes we have taken to ensure the safety and high standards that represent our profession well.

For the foreseeable future, our meetings will be held online. All are welcome to join and participate. It is also another way to receive no-cost continuing education. Our next meeting will be on Thursday, May 13, 2021, starting at 9:00 AM. The agenda and information about how to join the meeting will be on our webpage and shared with our listserv. Feel free to join us.

Commission Member Spotlight

By: Judy Colenso, Public Member

I was born and raised in Butte, Montana. I moved to Spokane, Washington in 1981 to pursue a paralegal education and enrolled in the paralegal program at Spokane Community College. I graduated with a paralegal certification in 1985. I was employed as a paralegal with a Spokane law firm for 35 years before retiring in 2016.

My first appointment as a public member on the Commission was by Governor Locke in 2000. I was re-appointed for a second term by Governor Gregoire in 2005 and served until that term expired in 2009. In December 2013, I was appointed by Governor Inslee to fill a public member vacancy and was re-appointed for a second term by Governor Inslee in 2017.

During my tenure on the Commission, I have served on the Executive Committee and in 2019 was elected to a vice-chair position. The Commission's mission is to protect the health, safety and welfare of the citizens of the state of Washington. This is a very important role and one that I have taken seriously. I feel very fortunate to have been given the opportunity to contribute to fulfilling this mission. It has been a most valuable learning experience, as well as a very rewarding experience. My term will end this year, and this brings a feeling of sadness as I will miss my fellow Commissioners and the fantastic Commission staff that I have had the pleasure to work with these past years.

As to my personal life, I am a very proud grandma of five grandchildren (3 grandsons and 2 granddaughters). They bring much joy to my life and are true blessings. They keep me busy with their many sports activities (soccer, basketball, softball and hockey). When not attending their sport events (in rain, snow or shine, I might add), I enjoy outdoor activities (power walks, hiking and the like) and the Pacific Northwest provides such beautiful surroundings to do so - what a blessing to live in this part of the country!

I enjoy being involved with volunteer opportunities and being able to give back to my community. I serve as a volunteer with the Meals on Wheels program and assist with the delivery of hot meals to disabled and home-bound seniors. It is a very rewarding experience as these individuals are always happy to see someone and are so grateful for the delivered meal and social interaction.

I also volunteer time each year with the Lilac Bloomsday Association. Bloomsday is an event held annually in Spokane on the first Sunday of May. In 2021, it will celebrate its 45th year. Due to its size (upwards of 40,000 runners and walkers), it requires over 5,000 volunteers who contribute many hours. I am also a race participant

and completed my 38th Bloomsday in 2020. Due to the pandemic, it was held as a virtual event and it was definitely a different one as you were not surrounded by the thousands of “Bloomies” who were also tackling the challenging 7.46-mile course at the same time. However, the Association made the right decision to move forward with the event, albeit virtually, in order to keep everyone safe at the same time allowing people to continue with their yearly tradition.

In conclusion, it has been my privilege and honor to serve on the CQAC these past years, and I wish to express my sincere gratitude to all those who afforded me this opportunity.

Role of Chiropractic Quality Assurance Commission

By: Jaskirat Walia, D.C.

The role of the Chiropractic Quality Assurance Commission (Commission) is to promote the delivery of quality healthcare to the residents of the state by regulating the competency and quality of licensed chiropractors. The Commission is responsible for assessing and investigating complaints to determine if there has been a violation of laws or rules. The Commission is the governing body in Washington state, developing rules, policies and procedures that promote quality healthcare to state residents. This is achieved through incorporating various members of the chiropractic community and public to ensure a balance of accountability. The Commission works with the Department of Health and Health Systems Quality Assurance to resolve issues and implement new policies. The Commission is made up of eleven chiropractors and three public members, appointed by the governor. Public members are asked to serve on regulatory boards to protect the public’s best interest. They offer diversity of expertise and opinions to any commission. Each chiropractic commission member must be a licensed and practicing chiropractor in Washington for a period of at least five years.

The goal of any regulatory board or commission is to regulate and ensure quality. This is no different for the Commission. The members of the commission regulate and monitor chiropractors under their jurisdiction to make sure they are in compliance with the required standard of care. The Commission has the public’s best interest at heart. The commission achieves this by establishing qualifications and education requirements for licensure of chiropractors. They actively work together as an innovative team developing and implementing new policies that will promote quality health care and practice. They also serve as reviewing members on disciplinary cases and hearing panels.

Commission members are required to attend commission meetings, workshops and the Department of Health one-day Board, Commission, Committee conference. Each member is also expected to participate in scheduled and emergency conference calls and hearings.

In conclusion, the Commission along with its partners, strives to ensure the public is met with the highest standard of care and practice. They incorporate a diverse team of public members and chiropractors on this commission to continue providing the best quality of care to Washingtonians. Any complaint or concern can be met with the utmost professionalism and consideration.

Chiropractic advertising and communications - online and with social media

By: Matthew Waldron, D.C.

Over the past decades, regulatory bodies like CQAC have been hearing about, learning about and discussing how the growing popularity of online communications and social media are relevant in the health care environment. Your Commissioners have been involved with many of the national associations, where online communications and social media are sustained topics of discussion. Long gone are the days of phone books and virtually all of the other printed marketing and advertising methods. Now that the financial and mechanical barriers are mostly removed, advertising and communicating to potential and existing patients is more evenly accessible to health care providers. Online and social media platforms allow health care providers to offer services, explain their expertise, promote their clinical experiences and hopefully attract patients into the office.

While the ideas and technologies of online communication and social media are not brand new anymore, they are new enough that existing laws (RCW) and rules (WAC) for many professions do not include specific terms such as social media, Facebook or Twitter. The point of this article is to clarify that all of the existing RCWs and WACs that have any reference or connection — directly or indirectly — also apply to any and all online methods, inclusive of everything including social media. The Commission is not aware of any exemption in 18.25 RCW or 246-808 WAC for online advertising as opposed to more traditional forms of advertising (e.g. hard-copy advertising).”

Health care providers in Washington State are responsible for understanding the laws and rules that are relevant to their profession. Chiropractors who rely on social media and the myriad online platforms to advertise and communicate should regularly review and be familiar with laws and rules that are relevant. There are many relevant WAC’s and RCW’s regarding advertising, a good place to start is:

WAC 246-808-600 - Prohibited publicity and advertising.

WAC 246-808-605 - Honoring of publicity and advertisements.

WAC 246-808-615 - Professional notices, letterheads, cards, and mailings.

WAC 246-808-625 - Public testimonial advertising.

WAC 246-808-630 - Full disclosure of cost of services.

Another important consideration of online and social media communication is that it’s interactive. In addition to static online advertising such as websites, social media platforms often facilitate dialogue. It’s this interactive ability that has raised some of the more serious concerns with how health care providers use social media. A chiropractor who is interactive on social media, either with existing patients or with potential patients, should be cautious about his or her interactions with the public. If you are licensed in Washington state and you post content, comments or pictures online, it’s very likely that all of those postings are required to be in compliance with the laws or rules of your license.

Telehealth Policy

by David Folweiler, DC, DACRB, chair

The Commission has been working on guidance to chiropractors in the state of Washington who chose to deliver care via telehealth. The work became more urgent as we became aware of how the growing pandemic might change the delivery of care. To give chiropractors more flexibility to provide care virtually, we approved [a policy statement](#) on March 19, 2020, that outlines requirements for telehealth.

To provide chiropractic care to a patient who is located in Washington State, the practitioner must either be licensed or hold a temporary practice permit from the Commission.

The standard of care does not change when providing telehealth versus in-person care. All of the chiropractic and other Washington State laws and rules still apply, such as [RCW 18.25](#) and [WAC 246-808](#). Chiropractors are still expected to meet all of the documentation requirements per [WAC 246-808-560](#). The scope of practice also remains the same as outlined in [RCW 18.25.005](#).

The Commission chose to exempt peer-to-peer consultations from the licensing requirements so long as the chiropractor licensed by the Commission remains professionally responsible for the primary diagnosis and any testing or treatment provided to the Washington patient. This allows a chiropractor to consult with peers, such as a chiropractic radiologist or technique specialist who may not have a license in Washington.

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 November 2020 the Chiropractic Commission charged chiropractor **John Anthony Lewis** (CH00002998) with unprofessional conduct. Lewis allegedly removed a patient's shirt without consent, made derogatory and demeaning comments to the patient, hugged the patient without consent, and touched the patient in ways that weren't consistent with treatment.

Grant County

In November 2020 the Chiropractic Commission filed a third amended statement of charges against chiropractor **Richard L. Ribellia** (CH00001412) to add allegations involving sexual misconduct.

King County

In August 2020 the Chiropractic Commission charged chiropractor **Austin Daw-Lin Hsu** (CH00034771) with unprofessional conduct. Hsu allegedly didn't respond to a health care investigator's inquiry about a complaint lodged against him.

In October 2020 the Chiropractic Commission charged chiropractor **Lyle Marcus-Love** (CH00033833) with unprofessional conduct. Marcus-Love allegedly violated restrictions against conflating a weight loss business with his chiropractic practice. Marcus-Love allegedly billed for an X-ray for which he had told a patient there wouldn't be a charge. Marcus-Love allegedly injured a patient and didn't properly document it or make an appropriate referral.

In December 2020 the Chiropractic Commission withdrew a statement of charges against chiropractor **Caitlin Marie Czezowski** (CH60603264)

In December 2020 the Chiropractic Commission withdrew the statement of charges against chiropractor **Niels Jonathan Pedersen** (CH60602274).

Kitsap County

In September 2020 the Chiropractic Commission withdrew a statement of charges against chiropractor **Alkarim Bhanji** (CH00003675).

Thurston County

In December 2020 the Chiropractic Commission charged chiropractor **Burton A. Sowers** (CH00002958) with unprofessional conduct. The chiropractor allegedly engaged in an inappropriate relationship with a patient.

Out of State

Florida: In June 2020 the Chiropractic Commission conditionally granted a chiropractor credential to **Jack Stanley Pasula** (CH60948567) and placed him on probation for at least 24 months. While he had no Washington license, Pasula authorized laboratory tests for Washington patients without examining the patients. The testing was associated with treating mood disorders, and Pasula participated in treating mood disorders. That's outside a chiropractor's scope of practice in Washington.

California:

In November 2020 the Chiropractic Commission ended probation for chiropractor **David M. Birdsall** (CH00034882)

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. 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 2021 Meeting Dates

May 13, 2021

July 8, 2021

September 9, 2021

November 18, 2021

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 public members are on the Chiropractic Commission?
 - a. 2
 - b. 3
 - c. 4
 - d. 1

2. Who has the Chiropractic Commission created a joint task force with?
 - a. The Board of Physical Therapy
 - b. Acupuncture and Eastern Medicine Advisory Committee
 - c. The Board of Veterinary Examiners

3. Which WAC does not relate to advertising?
 - a. WAC 246-808-625
 - b. WAC 246-808-600
 - c. WAC 246-808-670
 - d. WAC 246-808-630

4. In order to provide chiropractic care to a patient in Washington State, the practitioner only needs to hold an active license in the state they reside in.
 - a. True
 - b. False

5. How many terms has Judy Colenso served as a public member of the Chiropractic Commission?
 - a. 1
 - b. 2
 - c. 3
 - d. 4