



# Chiropractic Quality Assurance Commission Newsletter – 2017; 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 – Matthew Waldron, DC

In 2017, the commission will accomplish several things. On February 25-26, we held a two-day combination business meeting and rules workshop on recent rule changes. In addition to rewriting, cleaning up and editing the existing rules in chapter 246-808 WAC, the commission is adding new categories of rules to address the contemporary issues that we face today. The February workshop focused on creating rules that apply to independent chiropractic examiners. Other potential new rules include topics such as telemedicine, social media, and unprofessional or misleading marketing tactics. One new rule we have drafted pertains to early remediation. It creates an avenue to correct allegations of practice deficiencies of a less serious nature than those requiring formal discipline, and does so in a more cost-effective manner than is available under current rules. To date, we have rewritten several sections of rules and made substantial progress. We made all of the draft rule changes and edits available to the public prior to the February meeting.

Also, 2017 begins the fourth year of the pilot project that has allowed the commission to evolve and assume responsibility for several functions that were previously provided by the Department of Health. During the pilot project, the commission has assumed management of the budget, licensing, and disciplinary compliance responsibilities. We are also exploring more ways we can create efficiencies based upon the unique needs of the chiropractic profession. The pilot project is set to expire in mid-2018, and our goal is that the 2018 legislature will grant the commission permanent status as an independent body. The commission’s primary responsibility and commitment is to public safety, and secondarily, we must effectively and efficiently serve the needs of the licensees. For example, over the course of the pilot project so far, the commission has enabled three fee reductions totaling \$150, while maintaining substantial and responsible monetary reserves. The third fee reduction will become effective August 1, 2017.

#### Table of Contents

Message from the Chair

#### Featured Articles:

~ *How to Avoid Common Complaints*

~ *Locating State Laws (RCWs and Rules (WACs) using the Department of Health website*

~ *Commission Member Spotlight*

#### Disciplinary Actions

#### Commission Composition

#### 2017 Meeting Dates and Locations

#### Governor

The Honorable Jay Inslee

#### Department of Health

John Wiesman, DrPH, MPH, Secretary

Bob Nicoloff  
Executive Director

[Leann Yount](#)  
Program Manager

Tammy Kelley  
Commission Disciplinary and Compliance Manager

Jessica Jorgensen  
Health Services Consultant/Licensing

#### Commission Members

Matthew Waldron, DC, Chair

Winfield Hobbs, DC, Vice-Chair

Aaron Chan, DC, Vice-Chair

Maria Best, DC

David Folweiler, DC

Bryson Langel, DC

Douglas Long, DC

Ronwynn Pratt, DC

Robert Schmitt, DC

Kimberly Corbin Waters, DC

Judy Colenso, Public Member

James Slakey, Public Member

Louise Stephens, Public Member

The commission continues to invite and welcome all stakeholders to come to any of our meetings. We are committed to providing a safe and user-friendly environment for you to discuss issues or concerns, make requests, or update us on the experiences that are important to you, in your practice, and in your community. If public speaking is not your thing, you can send us an email at [cqac@doh.wa.gov](mailto:cqac@doh.wa.gov). Our mailing address is Post Office Box 47858, Olympia, WA 98504-7858. Thanks to technology, we have even had chiropractors call in and talk with the commission on the speakerphone. Over the past several months, chiropractors, attorneys, and insurance company representatives have come to our meetings and shared their concerns. We want to hear from you, too!

## **How to Avoid Common Complaints** **By David Folweiler, DC, DACRB**

In the 2013-15 biennium, the Washington State Chiropractic Quality Assurance Commission (CQAC) received 427 complaints. Of those, 217 (51 percent) were investigated and 43 (10 percent) proceeded to some sort of discipline.

No chiropractors want to have to defend themselves against a complaint. In an attempt to help avoid complaints, I will list the most common complaints and potential ways to avoid them.

### **Documentation**

We frequently receive complaints about clinical documentation. For information about the minimum legal requirements in Washington State, see [WAC 246-808-560](#).

For handwritten notes, legibility is a big concern. Another concern is being able to decipher any abbreviations; most are standardized, but some chiropractors use unique abbreviations. Note that the rule states:

*If the chiropractor uses a code in the documentation, a code legend must be made available upon request.*

For computer-generated or typed notes, the most common concern is the repetitive nature of the notes and the use of canned and over-explained language that conveys little about the patient's condition. Being able to copy the last chart note forward is a time saver for chiropractors, but the rule specifies:

*Subjective health status updates, whether or not symptoms are present, must be documented for every patient encounter.*

*Documentation must sufficiently record all the services provided, as well as any changes in the patient's presentation or condition. The region(s) of all treatment and, if applicable, the specific level(s) of chiropractic adjustments must be recorded in the patient encounter documentation.*

Taking the time and effort to update the patient's subjective status and recording all the treatment provided (including the regions) will keep you in compliance with the rule. Remember, quantity (overly lengthy and verbose notes) matters little when it comes to complying with the rule. I've seen very concise notes that convey more than the two-page treatises some chiropractors produce in their electronic health record.

Note that travel card-style documentation is not specifically prohibited, but that format may not give you the space to include all of the required elements of clinical documentation.

## **Radiographs**

Another frequent problem is the quality of radiographs. [WAC 246-808-565](#) details the minimum legal requirements for chiropractors in Washington State. These are some of the commonly seen issues:

- Lack of gonadal shielding
- Lack of appropriate collimation (collimation increases the quality of the radiograph by reducing scatter)
- Failure to remove metallic jewelry and clothing, creating artifacts that obscure the intended visualized structures
- Failure to use left-right markers and to label the x-ray with the demographic information
- Over- and under-penetration, leading to a non-diagnostic film

While the rule does not require the use of wedge-shaped filters, their use, particularly on AP and lateral thoracic and lateral lumbar films, can significantly increase the diagnostic quality of a film.

## **Sexual and Romantic Relationships with Present and Former Patients**

We receive complaints about chiropractors dating and having sex with their patients. [WAC 246-808-590](#) specifically prohibits sex with current patients. [WAC 246-16-100](#) (4) prohibits a number of sexual and romantic activities within two years after the chiropractor-patient relationship ends. [WAC 246-16-100](#) (5) prohibits the same conduct after the two-year period when there is a chance that the patient may receive care in the future and/or if there is “an imbalance of power, influence, opportunity and/or special knowledge.” Note that these rules apply even if the relationship is considered to be consensual.

## **Continuing Education**

On an ongoing basis, a certain percentage of licensed chiropractors are selected for an audit of their continuing education. [WAC 246-808-150](#) specifies that licensed chiropractors must complete a minimum of 25 hours continuing education per year in specific topics. Note that subsection (5) states that no more than 12 of the required hours can be in multimedia programs (web seminars, videos, etc.) or serving as a teacher; the remainder must be taken in person. Subsection (6) specifies the necessary documentation of completion which should include:

- Participant's name;
- Course title;
- Course content;
- Date(s) of course;
- Provider's name(s); and
- Signature of the program sponsor or course instructor.

**Locating State Laws (RCWs) and Rules (WACs)  
Using the Department of Health Website  
By Kimberly Corbin Waters, DC**

All websites are not created equal. Some are very basic: “Click” the big red button in the center of the screen to proceed, while others take more technical knowledge to understand and can be intimidating. I’ve been lost within websites too many times, not knowing what to click next or how to get back to a point I recognized. The Department of Health (department) website is not quite as elementary as a “big red button,” but also not nearly as intimidating as you may expect.

Looking up state laws (RCWs) and rules (WACs) on a government website used to be an overwhelming task for me. I’m probably not the only DC who’s felt this way.

Maybe you’ve wondered if a specific seminar or adjusting technique workshop would count toward your required CE credits. Are there specific words or descriptions I need to avoid in advertising? Maybe your practice is growing and you need someone else to take X-rays to free up your time; can auxiliary staff members perform this task? Answers to these questions are on the department website.

Use the step-by-step process below to help you “navigate” the department site to look up our state laws and rules.

- Step 1. Open [www.doh.wa.gov](http://www.doh.wa.gov)
- Step 2. Select the  button at the top right portion of the screen.
- Step 3. Select “C”
- Step 4. Select **Chiropractors**
- Step 5. Select “Chiropractor, Chiropractic X-Ray Technician home page”
- Step 6. Select “Laws” from the left side of the webpage
- Step 7. Select the laws or rules (RCWs and WACs) that relate to chiropractors

**Revised Code of Washington:** [Chapter 18.25 RCW](#) 

**Washington Administrative Code:** [Chapter 246-808 WAC](#)

RCW = Revised Code of Washington; *a statute or RCW is written by the Washington State Legislature. Once legislation is signed by the governor, it becomes law.*

WAC = Washington Administrative Code; *written to provide interpretive support for the individuals or entities to whom the rule applies. Rules are written and adopted by a board or commission, and/or the secretary of the department. Rules or WACs carry the full force of the law.*

The online version of the RCW is updated twice a year, once in the early fall following the legislative session, and again at the end of the year if a ballot measure that changes the law passed at the general election. Copies of the RCW, as they existed each year since 1973, are available in the [RCW Archive](#).

The Chiropractic Quality Assurance Commission (commission), affiliated with the department is making changes to the WACs. The commission meetings are where these changes are discussed, often passionately, and are open to the public. Your feedback and attendance are greatly valued by the commission. Changes that will potentially affect how you run your practice are being debated, and your participation is strongly encouraged!

Commission meeting information is on the commission's website. The meeting dates and locations are on the left side of the webpage through a link titled "Commission Meeting."

## **Commission Member Spotlight**

### **Aaron Chan, DC**

Dr. Aaron Chan was raised in Kennewick, Wash., in a chiropractic family. His father, Dr. David Chan, graduated from Palmer College of Chiropractic - Iowa in 1980 and moved to the Tri-Cities to be near family. Years later, Dr. Chan followed in his father's footsteps.

After graduating from Kamiakin High School in 1994, Dr. Chan attended Brigham Young University in Provo, Utah, where he earned a Bachelor in Science degree. He then attended Palmer College of Chiropractic West in San Jose, Calif., and graduated in 2003 with a Doctor of Chiropractic degree.

Dr. Chan received his Washington State chiropractic license in 2003 and began practicing alongside his brother, Dr. Theodore Chan, and father. Dr. Chan accepted an appointment to the Chiropractic Quality Assurance Commission in 2009. In doing so, he thought it was an opportunity to serve both the community and the profession. It was also an opportunity to gain additional insight into the workings of a relatively young profession. Dr. Chan is serving as a co-vice chair.

Dr. Chan's practice focuses on taking care of patients from all walks of life. He has a diverse practice that includes both young and elderly patients, and everyone in between. His practice consists of wellness patients as well as patients injured on the job or in motor vehicle collisions. Dr. Chan enjoys connecting with his patients and helping in any way that he can.

Outside of work, he spends much of his time with his wife and three sons. He enjoys traveling, cycling, and fiddling with computers and electronics. His wife also claims he enjoys shopping. He also enjoys volunteering in his local Boy Scout Troop as a varsity leader and has had the opportunity to mentor many Eagle scouts, including his oldest son.

## Disciplinary Actions

Information about healthcare providers is on 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, and copies of legal documents issued after July 1998. You may also get this information by calling 360-236-4700. Consumers who think a healthcare provider acted unprofessionally are also encouraged to call and report their [complaint](#).

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

### Clark County

**August 2016:** Charged chiropractor **Troy Dreiling** (CH00003052) with unprofessional conduct. Dreiling allegedly took substandard radiographs, made a diagnosis without findings to support it and without follow-up care, didn't examine or treat a patient's pain complaint, kept inadequate records, didn't document a rationale for services, billed for self-administered treatment he didn't supervise, and published advertising that wasn't fully informative.

**July 2016:** Charged chiropractor **Nicholas M. Peck** (CH00033852) with unprofessional conduct. Peck allegedly kept inadequate records and used an inappropriate billing code.

### King County:

**September 2016:** Withdrew a statement of charges against chiropractor **David L. Nicholes** (CH00002410).

**July 2016:** Withdrew a statement of charges against chiropractor **Scott V. Mindel** (CH00003016).

### Kitsap County:

**September 2016:** Ended conditions on the credential of chiropractor **Blake J. Wagner** (CH00003095)

**July 2016:** Modified an agreement with chiropractor **Blake J. Wagner** (CH00003095) which lowered a fine from \$1,000 to \$500 and gave him more time to complete continuing education. Wagner asked a patient for a loan.

### Pierce County

**September 2016:** Entered an agreement with chiropractor **John B. Cornell** (CH00001046) under which his practice will be monitored for at least 18 months. Cornell must pay a \$2,500 fine, complete continuing education in ethics and boundaries, and pass an exam in that area, as well as a jurisprudence exam. Cornell referred patients for hyperbaric treatment, but didn't perform adequate exams or documentation

**February 2016:** The Massage Program entered an agreement with massage practitioner **Thomas Anthony Velickoff** (MA00012251) under which he surrendered his credential. Velickoff also surrendered his chiropractor license in 2015 in connection with professional misconduct.

**December 2015:** Indefinitely suspended the chiropractor credential of **Dale E. Clark** (CH00001250), who didn't comply with a 2015 agreement requiring him to complete an ethics program.

## Out of State

**California, September 2016:** Charged chiropractor **Russell Scott Kun** (CH00034832) with unprofessional conduct. Kun allegedly didn't reimburse costs to the commission as required.

## Commission Composition

The commission is made up of 11 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 commissioner duties, please read the information on the website <http://www.doh.wa.gov/hsqa/Professions/Chiropractic/default.htm>, or contact the program manager at 360-236-4856 or [leann.yount@doh.wa.gov](mailto:leann.yount@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 [leann.yount@doh.wa.gov](mailto:leann.yount@doh.wa.gov) or [CQAC@doh.wa.gov](mailto:CQAC@doh.wa.gov)

## 2017 Chiropractic Commission Meeting Dates and Locations

<b>May 11, 2017</b> Rules Workshop	<b>Tumwater</b>	<b>Department of Health</b> Point Plaza East, Room 152/153 310 Israel Road S.E. Tumwater, WA 98501
<b>June 8, 2017</b> Business Meeting	<b>Tumwater</b>	<b>Department of Health</b> Point Plaza East, Room 152/153 310 Israel Road S.E. Tumwater, WA 98501
<b>July 13, 2017</b> Rules Workshop	<b>Tumwater</b>	<b>Department of Health</b> Town Center 3, Room 224 243 Israel Road S.E. Tumwater, WA 98501
<b>August 10, 2017</b> Business Meeting	<b>Tumwater</b>	<b>Department of Health</b> Point Plaza East, Room 152/153 310 Israel Road S.E. Tumwater, WA 98501
<b>September 14, 2017</b> Rules Meeting	<b>Tumwater</b>	<b>Department of Health</b> Point Plaza East, Room 152/153 310 Israel Road S.E. Tumwater, WA 98501
<b>October 12, 2017</b> Business Meeting	<b>Kent</b>	<b>Department of Health</b> Creekside 2, Room 309 20425 72 <sup>nd</sup> Ave. S. Kent, WA 98032

<b>2017 Chiropractic Commission Meeting Dates and Locations Continued</b>		
<b>November 9, 2017</b> Rules Workshop	<b>TBD</b>	<b>To be determined (TBD) if needed</b>
<b>December 10, 2017</b> Business Meeting	<b>Tumwater</b>	<b>Department of Health</b> Point Plaza East, Room 152/153 310 Israel Road S.E. Tumwater, WA 98501