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# Chiropractic Quality Assurance Commission Newsletter – 2019; 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** – Aaron Chan, DC

Chiropractors have never been ones to sit still and let problems pass them by. Since the passage of House Bill 2313, we have renewed our focus on some of the issues that have faced us through the years. We have completed our review of all 5 rules packages that were originally started in 2015 and we continue to monitor their progress towards future rules hearing dates. These packages are an almost complete review of WAC 246-808 and offer updates and clarification that are pertinent to us today. Additionally, in response to ongoing concerns with independent chiropractic examinations, we have drafted rules and await the Department of Health's review before scheduling hearings. We have also been in contact with the Veterinary Board to collaborate on the issue of animal adjusting. With these current projects, we hope that many of the problems of the past can be resolved and a clear path forward established.

With the passing years, we also see change within the commission itself. We have recently retired 4 members from our ranks and have 3 new members ready to join us in our efforts. These 4 past members embodied within them the science, art and philosophy of chiropractic itself. They were passionate in helping others and we wish them well. We continue to move forward with a well-balanced commission that can address the needs of all involved, both in the public and in the profession. We hope to maintain the momentum with renewed ideas and perspectives going forward.

The commission and staff continue to look for ways to innovate and improve upon in-house procedures. We are proud to announce that our commission has been successful in reducing turnaround time for new license applicants. We have met the Department's goal of a 14 day license issuance at 100%. Meeting this goal is a significant accomplishment, however, we are also very happy to report that 90% of those licenses have been issued within 1 day. We commend our staff for their hard work and their willingness to innovate.

I am pleased with the work that the commission has accomplished to date and look forward to the coming months and the real opportunity to finish out many of our other long-standing projects. As members of the public and profession, I invite you to join us at our upcoming meetings and rules hearings to have your voice heard.

#### **Governor**

The Honorable Jay Inslee

#### **Department of Health**

John Wiesman, DrPH, MPH,  
Secretary

Bob Nicoloff  
Executive Director

Tammy Kelley  
Commission Credentialing and  
Disciplinary Manager

Jenny Yeam  
Credentialing Lead and  
Compliance Manager

Barbara Cleveland  
Credentialing Support

#### **Commission Members**

Aaron Chan, DC, Chair

David Folweiler, DC, Vice-Chair

Maria Best, DC

Michael Bostjancic, DC

William Davis, DC

Bryson Langel, DC

Douglas Long, DC

Robert Schmitt, DC

Gary (Gabe) Smith, DC

Matthew Waldron, DC

Vanessa Wise, DC

Judy Colenso, Public Member

Susan Jensen, JD, Public Member

Louise Stephens, Public Member

## Electronic Health Records (EHR)

by Robert Schmitt, DC

The drive towards electronic healthcare records (EHR) at the federal level has certainly outpaced the development of laws and rules at the state level governing the retention and maintenance of EHR. Software companies are also pushing cloud-based applications because such applications are easier to manage, are less expensive to operate, and are more profitable.

The implementation of EHR technology by doctors is not without complications. One such complication centers on access to EHR. When using a cloud-based application, the doctor frequently does not own a physical copy of the software but instead pays a monthly license fee to the software company. In addition, the EHR created by the software is saved in a format that can only be accessed by the software itself. With this information, consider the following:

1. The software company that licenses the cloud-based application goes out-of-business due to bankruptcy.
2. The chiropractor finds the software company's rates unaffordable and has to terminate the license agreement.
3. The chiropractor retires and terminates use of the cloud-based application.
4. Another company acquires the software company.

If any of these situations occur, the doctor may no longer be able to access the EHR created by the cloud-based application because they are no longer in possession of a license to use that cloud-based application.

Doctors using a cloud-based application to create and maintain EHR should engage in contingency planning to prevent future EHR access issues. Doctors should consider how EHR access issues could affect regulatory compliance with state and federal laws related to medical record preservation, retention and access. For example, in Washington, chiropractors are required to retain treatment records “for five years in an orderly, accessible file and shall be readily available for inspection by the commission or its authorized agent.” WAC 246-808-650(1). Failure to comply with the provisions of Washington law related to medical records could expose the doctor to, among other things, a civil lawsuit (*see* RCW 70.02.170) and/or professional discipline (*see* RCW 18.130).

When engaging in contingency planning to prevent future EHR access issues, doctors should consider whether the plan complies with applicable state and federal laws related to, among other things, security of medical records.

While cloud-based EHR applications have many advantages of low on-site IT costs, low on-site IT maintenance, and a secure redundant off site backup, they also have a significant drawback when trying to access those records. Doctors should consider developing a contingency plan if access issues occur in order to comply with the applicable laws regarding record retention and access requests for records within 15 days. RCW 70.02.080.

## Chiropractic Continuing Education

by Maria Best, DC

So what's new with continuing education? [WAC 246-808-150](#) is the rule concerning commission-approved continuing education. Chiropractors must complete 25 hours of continuing education each year. The commission does not pre-approve any courses. For a complete listing of all of the information you need to know about with continuing education, please refer to [WAC 246-808-150](#).

We wanted to bring to your attention that you are able to use government meetings pertaining to chiropractic as continuing education credits. One example of a government meeting eligible for this continuing education is the attendance at a Chiropractic Quality Assurance Commission meeting. You are allowed up to 12 hours of continuing education credits each year for attending these meetings. Upon entering the meeting, you must sign in and then sign out upon your departure. You will receive a document indicating the hours that you were present in the meeting prior to your departure.

The Commission meets every other month in the odd months of the year, on the second Thursday of the month. The Commission typically meets at the Department of Health (DOH) either in Tumwater or in Kent. You may also check the [Commission website](#) for the meeting schedule and locations. If you have signed up to receive emails from the [chiropractic listserv](#), then you will be notified of the agenda and where the meeting is being held.

### Commission Member Spotlight – Robert Schmitt, DC

#### 1) Where did you grow up?

I was born in Milwaukee, WI and grew up in Plymouth, WI.

#### 2) Previous education prior to chiropractic college, activities and sports?

I graduated from the University of Wisconsin Stevens Point in 1996 with a B.S. in the School of Natural Resources for Aquatic Toxicology with a dual major in biology and chemistry. I've always had a love of the outdoors and athletic activities. I've played just about every sport and activity, but really focused competitively on pole vaulting and water skiing. I picked up pole vaulting my junior year of high school on a whim. I always competed in track but decided to flip a coin to try out for the golf team or to try pole vaulting. Pole vaulting it was and I made it to the state championships my junior and senior year. I chose UWSP because I always enjoyed the outdoors and they had arguably the best natural resource school in the country. I chose aquatic toxicology because I grew up on a lake and spent all my time hunting, fishing, snow skiing, and water skiing. While attending UWSP, I set the pole vaulting school record and competed in the NCAA outdoor national championships in 1995. In 1996, I fractured my pars interarticularis pole vaulting when I cleared my opening height of 15'9" but missed the pit landing on a hardwood basketball court. This injury opened my eyes to the benefits of chiropractic. I began seeing a chiropractor to speed my recovery which allowed me to begin competing in six weeks. The debilitating headaches I was told were normal and bouts of mid thoracic spasm I frequently had went away. This chiropractor changed my life and career.

### **3) Chiropractic college - Why did you choose that one?**

After deciding to attend chiropractic college, while at a track meet, I competed against Dr. Doug Sharp who was competing post collegiately trying to qualify for the Olympic trials in the pole vault while attending Palmer. Dr. Sharp convinced me that I should attend Palmer. I initially enrolled in Palmer West so I could continue water skiing on the professional water ski tour as a knee boarder, and I also had a job skiing at Sea World water ski shows (following the footsteps of another professional water skier friend that went to chiropractic college there). In the fall of 1996, my mother was diagnosed with a terminal cancer and was given five months, so I transferred to Palmer in Davenport, IA to be closer to home. My mother by the way, refused all conventional therapies, changed her diet, was adjusted regularly and lived until 2014 when she passed away from complications of a stroke.

### **4) Graduation date:**

While attending chiropractic college, I enrolled for acceptance in an intern program with the former clinic director of Palmer Chiropractic College, Dr. Larry Troxell, and completed and obtained the Gonstead Advanced Technique certification through the intern program. I graduated in January of 2000 with the distinctions of Magna Cum Laude, president's list, and inducted into the International Chiropractic Honor Society.

### **5) Initial license date in WA:**

I met my wife in chiropractic college and we both moved to Washington due to its abundance of outdoor recreation opportunities. We were both licensed in 2000.

### **6) Started practice, location, focus:**

We literally did not know where we were going to practice nor did we have a place to live. We just packed up the U-Haul, drove out here with our dog Bailey, and rented a hotel room in Bellingham until we found a place to live. We eventually found a vacant building to rent in Mount Vernon and opened a practice in July of 2000. Our practice has a broad focus. With my athletic background and involvement in coaching pole vault, I tend to have much more of a sports and injury type of practice. My wife has dedicated herself to treating children and mothers, so together our practice covers a spectrum of "practice types."

### **7) Free time, hobbies, interests:**

I don't have free time; I have four kids and multiple rental properties. I spend a lot of time fishing, hunting, and biking with my three older boys. Additionally, I have coached the pole vault for local high schools for the past 17 years. In that time, I have had the honor of coaching seven state champions and the girls' 2A State meet record and girls' 1B state meet record holders. I still compete in the pole vault as a masters athlete and have met the standard and been awarded All-American Honors by the USATF in the pole vault 14 of the past 17 years. I also still compete in amateur water skiing tournaments and have been the Western Regional Champion on the open division of knee boarding in 2015 and the Oregon and Washington State champion in kneeboard and slalom first class in 2015 and 2016.

### **8) Interest in the Commission:**

Throughout the years every so often I was getting notifications of openings on the Commission and request for applicants. It always intrigued me. I thought it would be very interesting to see how the Commission works and to give back to the profession. Before joining the Commission I was under the impression that the Commission had much more control in the rulemaking process. I came to find out that the laws are confined by the parameters set by the legislature in the Revised Code of Washington (RCW). The rules in the Washington Administrative Code (WAC) are created by the Commission and cannot contradict the legislative intent of the RCW.

### **9) Impacts regarding being on Commission:**

This is a tough one to answer... I feel like I had a lot of input in the recent rule making process. I also am the chair of one of the disciplinary panels. I feel being on the Commission is of great value. I have gained knowledge and experience beyond what I had ever expected. I joined the Commission to be of service to the public and profession. I never expected the wealth of knowledge and friendships I have developed through the Commission. When you have chiropractors from several different schools of thought and adjusting techniques, as well as public members, and regulatory officials, I was expecting it to potentially be much more adversarial. It is great working with doctors all across the chiropractic spectrum and learning we have much more in common than differences. It was great to see this collaboration in action during the rulemaking process as we updated the WACs over the last few years.

## **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**

**July 2018:** Entered an agreement with chiropractor **John Anthony Lewis** (CH00002998) that fines him \$2,500. The chiropractor must complete continuing education in radiographic quality, and in professional boundaries and ethics. Lewis took radiographs that were of poor diagnostic quality. A patient said Lewis kissed her on the back of the head while the patient was receiving treatment. Lewis denied kissing the patient.

## **Grant County:**

**March 2018:** Charged chiropractor **Richard Ribellia** (CH00001412) with unprofessional conduct. Ribellia allegedly engaged in sexual misconduct with two patients by touching parts of the body without first obtaining consent, and using an intrusive method that wasn't necessary to provide treatment.

## **King County**

**January 2018:** Entered an agreement with chiropractor **Sean J. Fryer** (CH00034301) that places him on probation for at least five years and fines him \$15,000. The chiropractor must use a mentor, complete continuing education in billing, coding, documentation, and X-ray technique. He must also pass exams in ethics and boundaries, and jurisprudence. Fryer submitted inaccurate billing statements for multiple patients, didn't keep adequate documentation, took X-rays without adequately protecting patients' well-being, and offered discounts in exchange for receiving referrals.

**March 2018:** Entered an agreement with chiropractor **Scot A. Sorum** (CH00003669) that suspends his credential for at least three months. The chiropractor had sexual contact with two patients. In 2014 he was convicted of fourth-degree assault – domestic violence, and of interfering with reporting of domestic violence. In 2016 he was charged with driving under the influence, and reckless endangerment. Sorum provided multiple treatments to a third patient without adequately documenting the rationale.

**May 2018:** Charged chiropractor **Christopher Clark Wolff** (CH00003562) with unprofessional conduct. In 2018 the chiropractor was convicted of fourth-degree assault – domestic violence, and of harassment – domestic violence.

**May 2018:** Indefinitely suspended the chiropractor credential of **Staten C. Medsker Jr.** (CH00002796). The chiropractor advertised and hosted an event with a goal of breaking a world record by adjusting 10,000 patients in a day. Medsker subsequently asserted that the event was a marketing tool, that he saw about 100 people, and that a cleaning crew threw away patient records while he left them unattended. The chiropractor, who advertised that he is a massage therapist, has no such license.

## **Mason County**

**March 2018:** Suspended until at least June 1, 2019 the chiropractor credential of **Norman E. Collins** (CH00002418), who didn't comply with a substance abuse monitoring contract.

## **Pierce County**

**May 2018:** Charged chiropractor **Richard D. Leone** (CH00000775) with unprofessional conduct. Leone allegedly didn't supply proof of having completed required continuing education in radiographic technique.

## Walla Walla County

**January 2018:** Suspended for at least three years the chiropractor credential of **Derek Hayden** (CH00034208). The chiropractor had a sexual relationship with a patient who lived in Hayden's home for more than a year. Hayden had a variety of dual relationships with the patient, but didn't end the chiropractor-patient relationship.

**April 2018:** Denied the application of chiropractor **Brandon Lance Hatch** (CH00034374) to activate his license, which expired in 2008. Hatch's Oregon chiropractic license was revoked in 2014.

## Out of State

**California, August 2018:** Permanently revoked the chiropractor credential of **Jeffrey Allen Sullivan** (CH00002853). Sullivan, who kept inadequate records, didn't abide by a probationary requirement to have a female assistant present while treating a female patient.

## Commission Composition

The Commission is composed 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)

**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 246-817-440(4)(c).

1. What is the maximum number of continuing education credits per year that a chiropractor can earn by attending Commission meetings?
  - a. 4
  - b. 8
  - c. 12
  - d. 16
  - e. 24
  
2. How many public member positions are on the Commission?
  - a. 0
  - b. 1
  - c. 2
  - d. 3
  - e. 4
  
3. For how many years must a chiropractor retain records after ending treatment on a patient?
  - a. 3
  - b. 5
  - c. 10
  - d. 12
  - e. Indefinitely
  
4. Within how many days must a chiropractor comply with the applicable laws regarding a patient's request to access his or her records?
  - a. 3
  - b. 5
  - c. 10
  - d. 15
  - e. 30



## 2019 Chiropractic Commission Meeting Dates and Locations

<b>March 14, 2019</b> Business Meeting	Kent	<b>Department of Health</b> Creekside 2, Room 309 20425 – 72nd Ave. S Kent, WA 98032
<b>May 9, 2019</b> Business Meeting	Kent, Sea-Tac or Tumwater	Department of Health Creekside 2, Room 309 20425 – 72nd Ave. S Kent, WA 98032
<b>July 11, 2019</b> Business Meeting	Kent, Sea-Tac or Tumwater	Department of Health Point Plaza East, 152/153 310 Israel Rd. S.E. Tumwater, WA 98501
<b>September 12, 2019</b> Business Meeting	Kent	<b>Department of Health</b> Creekside 2, Room 309 20425 – 72nd Ave. S Kent, WA 98032
<b>November 14, 2019</b> Business Meeting	Kent, Sea-Tac or Tumwater	Olympia Area Facility To Be Determined