



Chiropractic Quality Assurance Commission Newsletter – 2017; 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 – Aaron Chan, DC

I am excited for the opportunity to serve as chair for the Chiropractic Quality Assurance Commission. For the past seven years, as I have served on the commission, I have learned a great deal about the government, especially how the Department of Health (DOH) operates. I have also had opportunities to see the spectrum of ideologies and practices of chiropractors in the state, and how it is reflected in the current and past makeup of the commission. I value the opinions and experiences of all, and hope to continue to encourage our commission members to express themselves and participate in our program. The prior chairs have worked to develop and mold an effective and efficient commission, and I hope to carry on the tradition.

This upcoming year is important because it is the final year of our pilot program with DOH. For the past four years, we have had the opportunity to be more independent from the department, which means we have greater control over staffing and budget. We have also hired our own full-time executive director as well as program manager. We have also expanded our program to include credentialing, and hired a credentialing and disciplinary manager, as well as additional support staff. With the hiring of our own staff, we have found the commission to be more stable, supported, and efficient in ongoing operations. We have also been able to reduce our licensing fees for chiropractors a total of \$150 since the pilot was implemented. These staffing changes and fee changes have not significantly affected our budgets and reserve, and we anticipate continued stability in the program in the years to come. We hope that the next year’s legislature will continue to allow us to function in this way by making the commission independent.

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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

Jenny Yeam
Compliance/Projects Manager

Jessica Jorgensen
Health Services Consultant/Licensing

Commission Members

Aaron Chan, DC, Chair

Winfield Hobbs, DC, Vice-Chair

David Folweiler, DC, Vice-Chair

Maria Best, DC

Bryson Langel, DC

Douglas Long, DC

Ronwynn Pratt, DC

Robert Schmitt, DC

Gary (Gabe) Smith, DC

Matthew Waldron, DC

Kimberly Corbin Waters, DC

Judy Colenso, Public Member

James Slakey, Public Member

Louise Stephens, Public Member

As we move into the tail end of 2017, the commission is working on preparations for a busy 2018. We are finalizing the five rules packages we have been working on for the past couple of years, and then the rules will be sent to the Office of the Code Reviser for filing and to set the hearing date. Within these five rules packages are essentially changes to the entire WAC chapter that covers the practice of chiropractic in the state of Washington. Our commission members have worked long and hard to draft or revise rules that we think will further protect the public, as well as clarify the responsibilities and conduct that is expected of the chiropractors in this state. We are excited to begin public rules hearings on these rule packages, and anticipate holding these hearings at the beginning of the new year. As members of the chiropractic profession or members of the public, we hope that you will take the opportunity to review the changes and provide feedback by participating in the rules process. Participation can include written communication or attending a rules hearing in person. Additionally, letting your colleagues and friends know about the changes and upcoming hearings will help in spreading the word. This will be your chance to provide feedback and as a commission, we want to hear what you have to say. You can view the draft rules from the commission's website at <https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/Chiropractor/RulesinProgress>

COMMISSION OVERVIEW PRESENTATION

By Doug Long, DC

As a commission member, I am often asked by colleagues about the purpose of the Chiropractic Quality Assurance Commission, and the role it plays in our profession. I must admit, before becoming a commission member, I was not aware of the many different tasks that the commission was responsible for, or the effort that each commission member puts in to make sure that the public is protected, and that the rules and laws of our state are followed by the chiropractors in our profession. I truly believe that if every chiropractor in our state had a chance to serve on the commission we would have significantly fewer complaints against individual chiropractors. This is logistically impossible but we have tried to create a vehicle so that chiropractors and other stakeholders can have a better understanding of the workings of the commission, and the role we play within the state of Washington. One of our commission members, Dr. Gabe Smith, has spent countless hours creating a slide show that details the make-up and responsibilities of the commission and, specifically, how the disciplinary process works when a complaint is received by the commission against a chiropractor practicing under our jurisdiction. The goal of this presentation is to give the chiropractors in the state of Washington a better understanding of how this process works, which can help them to practice within the laws and rules of our state. It is our vision that this presentation will be made available online or at a forum with other chiropractors and a commission member so that chiropractors throughout the state can view this regardless of where they practice. As an incentive, we anticipate offering continuing education credits to those chiropractors who view the presentation.

NUTRITIONAL SUPPLEMENTATION IN CHIROPRACTIC

By Maria Best, DC

You may have wondered what our law is regarding the ability to only speak with our patients about nutritional supplements and even sell them in your office. In my office, I promote the supplements that our bodies cannot create on their own, but absolutely are required for health and longevity. One of these two nutritional supplements is fish oil, providing the essential fatty acids of Omega 3s and 6s. These are so important in reducing inflammation, and keeping our cell walls healthy and flexible. Flexible cell walls help prevent viruses from infecting the cell, thereby preventing illnesses transmitted by viruses. The second supplement is probiotics. A good probiotic keeps our guts in a healthy state. Our intestines are a huge part of our immune system. Keeping them healthy keeps us healthy. I find that lowering inflammation and improving overall health assists patients in keeping their spinal adjustments for longer periods of time. This only further improves our health as the brain and nerve system are at their optimum when we keep our spines aligned over time.

These supplements may extend the time we “hold” our adjustments in place. You may expand the list of supplements to include other supplements.

According to [RCW 18.25.005](#) - "Chiropractic" defined, the following is stated regarding our option to use supplements in our offices:

Chiropractic treatment also includes the use of heat, cold, water, exercise, massage, trigger point therapy, *dietary advice and recommendation of nutritional supplementation (emphasis added)*.

As can be seen in the definition of chiropractic, chiropractors in the state of Washington are able to give dietary advice to their patients and recommend nutritional supplements. This would include essentially any supplement one is able to purchase over the counter in any vitamin/supplement store. This was originally allowed under a WAC, but the WAC was later repealed as the law is now covered under [RCW 18.25](#).

Remember that this allows for general dietary advice and not prescribing specific supplements to treat any disease process. In other words, although we all know that vitamin D is so important for multiple sclerosis (MS) patients, we would not prescribe vitamin D for the MS, but rather for the overall health of the individual.

Do recognize that this law allows for direct retail sale only. Although multi-level marketing products are allowed for retail sale in the office, creating a network with patients who sign up to receive the product wholesale is not allowed. In this case, the chiropractor is receiving a “commission” on sales, which violates the rebating law as seen in the next paragraph.

[RCW 19.68.010](#) - Rebating prohibited—Disclosure—List of alternative facilities.

...it shall be unlawful for such person *to request, receive or allow, directly or indirectly, a rebate, refund, commission, unearned discount or profit by means of a credit or other valuable consideration in connection with the referral of patients to any person, firm, corporation or association, or in connection with the furnishings of medical, surgical or dental care, diagnosis, treatment or service, on the sale, rental, furnishing or supplying of clinical laboratory supplies or services of any kind, drugs, medication, or medical supplies, or (of) (sic) any other goods, services or supplies prescribed for medical diagnosis, care or treatment.*

Nutritional supplementation can be a great addition to your practice.

COMMISSION MEMBER SPOTLIGHT

Bryson Langel, DC

Bryson Langel, DC graduated from Cleveland Chiropractic College, Kansas City, Mo., in April 2002 and is a native of Templeton, Iowa. Being raised on a farm laid the groundwork for him to embrace the 33 Principles and ADIO (Above-Down-Inside-Out) Philosophy of Chiropractic.

A farmer will use his educated intelligence to plant a corn field, then trust in Mother Nature to do the rest. Once the seeds are planted the innate intelligence, inside each seed, will convert universal forces into innate forces; roots will sprout, a stalk will form and in 60-100 days the corn will be ready to harvest.

The first roundup-ready crops (GMO) were developed in 1996⁽¹⁾ to help farmers control weeds (such as buttonweed, cocklebur and milkweed) that reduced crop yields and clogged the combine during harvest.⁽²⁾ GMOs were seen as an advance of modern farming but have had unintended consequences. Scientists have attempted to “improve” Mother Nature by supplanting their educated intelligence for the innate intelligence of the seed.

Milkweed is the primary food source for the monarch butterfly caterpillar, and has been largely eliminated from Iowa and other Midwest states. This has caused a stark decline in the population of monarch butterflies – 90 percent in the past 20 years.⁽³⁾ More than beautiful, monarch butterflies contribute to the health of our planet. While feeding on nectar, they pollinate many types of wildflowers.⁽⁴⁾

Scientists cannot “improve” Mother Nature with GMOs and expect a healthy planet; nor can we “improve” innate intelligence with drugs and expect a healthy body and mind. I maintain that the sole purpose of chiropractic is to locate, analyze and correct (or reduce) the vertebral subluxation complex to remove nervous system interference and allow the optimum expression of Innate Intelligence.

As Carl S. Cleveland Sr., DC frequently stated, *“The purpose of an adjustment is not to depress and not to stimulate, but to remove interferences with transmissions, or pressures, from the affected nerve – thus restoring normal nerve supply. Then innate intelligence, or nature, with her exact knowledge, decreases or increases activities in the various organs or parts, as she finds necessary. With our limited conscious knowledge, we cannot educationally substitute such limited conscious knowledge and control on the outside for Innate Intelligence’s unlimited knowledge and control on the inside.”*⁽⁵⁾

Enuf said.

References:

- (1) <http://web.mit.edu/demoscience/Monsanto/about.html>
- (2) <http://oberhauserlab.cfans.umn.edu/sites/g/files/pua2976/f/media/pleasants-and-oberhauser-2012-milkweed-loss-in-ag-fields.pdf>
- (3) <http://www.desmoinesregister.com/story/life/2015/07/24/monarch-decline-iowa-milkweed/30629973/>
- (4) <https://www.nps.gov/articles/monarch-butterfly.htm>
- (5) Chiropractic Principles & Practice, Vol. IV, © 1951, Carl S. Cleveland Sr., DC

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). 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:

Benton County:

July 2017: Ended probation for chiropractor **Perry E. Barnhill** (CH00033927).

Clark County:

March 2017: Charged chiropractor **Ryan B. Macedo** (CH60109615) with unprofessional conduct. Macedo allegedly didn't comply with a 2015 stipulation requiring him to practice under the mentorship of another chiropractor, and didn't respond in a timely manner to requests for three patients' treatment records.

May 2017: Charged chiropractor **Perrin H. Guyton III** (CH00033848) with unprofessional conduct. Guyton allegedly inappropriately touched and spoke to patients.

August 2017: Withdrew a statement of charges against chiropractor **Perrin H. Guyton III** (CH00033848).

King County:

January 2017: Indefinitely suspended the chiropractor credential of **Jeffrey Lee Matheny** (CH00003438), who didn't respond to renewal notices for his X-ray registration, nor to requests for an explanation.

February 2017: Charged chiropractor **Jeffrey Parton** (CH00033826) with unprofessional conduct. Parton allegedly billed for treatments and services he didn't provide, didn't document, or didn't justify with clinical findings.

March 2017: Filed an amended statement of charges against chiropractor **Scot A. Sorum** (CH00003669) to indicate that in 2016 he was charged with driving while intoxicated, and reckless endangerment. The amended statement also adds allegations about patient treatment documentation.

March 2017: Charged chiropractor **Tony Karriem Hemphill** (CH00034117) with unprofessional conduct. In 2016 Hemphill was arrested on a sexual exploitation charge.

May 2017: Entered an agreement with chiropractor **Jeffrey Parton** (CH00033826) that places him on probation for at least five years. Parton must pay a \$12,000 fine and receive and pay for clinical consultation in billing and coding, documentation, and radiographic techniques. Parton must also pass jurisprudence and special purposes exams, and complete continuing education in radiographic techniques, documentation of care, and billing and coding. Parton billed for treatments and services he didn't provide, didn't document, or didn't justify with clinical findings.

King County Continued:

June 2017: Charged chiropractor **David M. Birdsall** (CH00034882) with unprofessional conduct. Birdsall allegedly inadequately documented patient treatment, inaccurately used billing codes, and took substandard radiographs.

June 2017: Charged chiropractor **Sean J. Fryer** (CH00034301) with unprofessional conduct. Fryer allegedly 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.

Kitsap County:

September 2016: Conditionally granted a chiropractic X-ray technician credential to **Jade Ashley Hanley** (CX60694056), placed her on probation, and ordered her to undergo an evaluation for a substance abuse monitoring program. In 2015 Hanley admitted to possession of stolen property, and second-degree trafficking in stolen property.

March 2017: Charged chiropractor **Paul K. Patterson** (CH00003533) with being unable to practice with reasonable skill and safety. Charges say a mental examination found Patterson may practice with reasonable skill and safety when monitored and medication compliant, but not otherwise.

March 2017: Entered an agreement with chiropractor **Michael L. Wagner** (CH00003618) that places him on probation for at least three years and fines him \$6,700. Wagner must complete continuing education in documentation of care, coding for billing records, and X-ray technique. He must pass a jurisprudence exam. Wagner billed for treatment without proper coding or documentation, and took inadequate X-rays.

April 2017: Entered an agreement with chiropractic X-ray technician **Jade Ashley Hanley** (CX60694056) that indefinitely suspends her credential. Hanley didn't abide by a requirement to enter a substance abuse monitoring program.

Mason County:

July 2017: Charged chiropractor **Norman E. Collins** (CH00002418) with unprofessional conduct. Collins allegedly didn't comply with a substance abuse monitoring contract

Pierce County:

February 2017: Charged chiropractor **Michael L. Wall II** (CH00034640) with unprofessional conduct. Wall allegedly took X-ray films that didn't meet professional standards, performed and billed for unnecessary treatments, and provided and/or billed for treatment that was undocumented or insufficiently documented.

May 2017: The secretary of health indefinitely suspended the chiropractor credential of **John B. Cornell** (CH00001046), who didn't comply with a 2016 agreement requiring him to pass a jurisprudence exam.

August 2017: Entered an agreement with chiropractor **Michael L. Wall II** (CH00034640) that places him on probation for at least three years and fines him \$6,000. The chiropractor must complete continuing education in billing and documentation, and pass a jurisprudence exam. Wall took X-ray films that didn't meet professional standards, performed and billed for unnecessary treatments, and provided and/or billed for treatment that was undocumented or insufficiently documented.

Pierce County Continued:

September 2016: Indefinitely suspended the chiropractic X-ray technician credential of **Alayna S. Thompkins** (CX60486392). In 2015 Thompkins pleaded guilty to second-degree theft in connection with stealing money from the wallet of a person employed at the office where she worked.

Walla Walla County:

May 2017: Charged chiropractor **Derek Hayden** (CH00034208) with unprofessional conduct. Charges say Hayden had a sexual relationship with a teenage patient he had been treating since she was 9-years-old. The patient allegedly lived in Hayden's home for more than a year. Charges say the goal was to correct the patient's behavioral problems, but Hayden lacked a license as a counselor or any other kind of mental health professional. Hayden allegedly gave her signature authority to one of his bank accounts. Hayden allegedly didn't keep adequate records of his treatment of the patient.

Whatcom County:

August 2017: Chiropractic Commission and Board of Naturopathy charged chiropractor and naturopathic physician **Matthew R. Tellez** (CH00033709, NT00001183) with unprofessional conduct. Tellez allegedly had a sexual relationship with a patient.

Out of State

Idaho: March 2017 - Entered an agreement with chiropractor **Burk Aaron Thomas** (CH60190293) that suspends his credential for at least two years. In 2016 Thomas was convicted on a federal charge of manufacturing hashish oil.

Department of Health News

The Department of Health (department), Office of Customer Service regularly receives requests from customers who want to pay fees over the phone using a credit card. Guidelines are necessary for handling these requests confidentially, consistently, and to ensure pay-by-phone services do not detract from the use of online payment services. The department has adopted guidelines for staff members to use.

The department has been accepting credit cards for online transactions. The fee was \$2, but on October 5, 2017 the fee increased to \$2.50. The department increased the fee to cover the transaction fees credit card payment processors charge.

Please call us at 360-236-2822 if you have questions about the change.

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.

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 or CQAC@doh.wa.gov

2018 Chiropractic Commission Meeting Dates and Locations		
January 11, 2018 Business Meeting	Seattle	Embassy Suites by Hilton Seattle Tacoma International Airport 15920 W. Valley Highway Seattle, WA 98188
March 8, 2018 Business Meeting	Kent	Department of Health Creekside 2, Room 309 20425 72 nd Ave. S. Kent, WA 98032
May 10, 2018 Business Meeting	Kent	Department of Health Creekside 2, Room 309 20425 72 nd Ave. S. Kent, WA 98032
July 12, 2018 Business Meeting	Tumwater or Seattle	Department of Health Point Plaza East, Room 152/153 310 Israel Rd SE Tumwater, WA 98501 or Embassy Suites by Hilton Seattle Tacoma International Airport 15920 W. Valley Highway Seattle, WA 98188
September 13, 2018 Business Meeting	Kent	Department of Health Creekside 2, Room 309 20425 72 nd Ave. S. Kent, WA 98032
November 8, 2018 Business Meeting	Kent	Department of Health Creekside 2, Room 309 20425 72 nd Ave. S. Kent, WA 98032