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# Chiropractic Quality Assurance Commission Newsletter – September 2023; 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

With a few in-person meetings under our belts it is clear to see the benefits of meeting in person. The connection with fellow Commission Members and Staff is stronger and our ability to move projects forward is greatly increased. It's amazing how much our team can get done when we are all together in one room.

We have a couple of rules packages open right now. We are working on WAC 246-808-150, Continuing Education (CE), specifically as it pertains to the upcoming CE requirements for health equity. We have also been working on WAC 246-808-215, Chiropractic X-Ray Technician, including updates to the requirements as well as the CE requirements for health equity. We have heard from and incorporated input from the WSCA as well as many stakeholders as we have moved through the process. We always encourage everyone to come to meetings and share their thoughts, concerns, and questions so we can be sure to take all stakeholder concerns into consideration as we move these rules through the final steps for adoption.

It has also been exciting to get back to committee work. At the beginning of the year, we revived many of our committees with the goal of staying on track with our strategic plan. Our Training/Mentoring Committee has been meeting regularly to update and create a digital version of our training manual as well as fine-tune our onboarding process for new members. Our Budget Committee has been meeting to take a deeper dive into our budget in a concerted effort to find ways to improve efficiency, productivity, and financial management so we can continue being good stewards of licensee and applicant dollars. And of course, our Rules Committee continues to move forward updating and modernizing our open rules packages.

It continues to be my honor to be able to serve my community in private practice and in my role as a Commission Member. I have tremendous gratitude for my fellow Commission Members. Thank you for serving along side of me. Regulation is not something every doctor dreams of, but it is important work, and I am glad to be on this journey with you all. I also have immense gratitude for all my colleagues in private practice. There has never been a more important time in history to be a chiropractor. Continue serving your communities. They need you now more than ever.

## **Commission Member Spotlight**

Dana Clum, DC

Dr. Dana Cavell Clum has been in active practice for over 20 years. Originally from New York, she is a 1995 graduate of New York University, where she received her Bachelor of Science degree. She then attended Sherman College of Chiropractic in Spartanburg, South Carolina and graduated as a Doctor of Chiropractic in 1999.

Dr. Clum, and her family, moved to Costa Rica in 2000 to practice and work directly with the Olympic Committee to improve the health and performance of the elite athletes of Costa Rica. She continued into family practice, maintaining a strong focus on sports, head trauma, TBI and post-concussion syndrome, as well as pediatric, perinatal, and family care. While in Costa Rica she focused heavily on community health education within the capital city and the surrounding rural areas.

She was a regular guest on national television and radio shows, and a sought-after speaker at schools, universities, large and small businesses, and government agencies. She became an influential speaker in pregnancy classes and is very passionate about helping pregnant women achieve a healthier and safer pregnancy and childbirth.

After eight years in Costa Rica, Dr. Clum traveled to Castilla La Mancha, Spain, where she practiced and consulted for two years.

Dr. Clum returned to the States in 2010 and resides in Washington State where she currently owns and runs Clear Chiropractic in Kirkland. She was appointed by Governor Inslee in 2019 to serve on the Washington Chiropractic Quality Assurance Commission and serves as the current Chair of the Commission. Dr. Clum also serves as a member of the Board of Trustees for the Washington Chiropractic College.

Having practiced in Costa Rica, Spain and the United States, Dr. Clum is fluent in both English and Spanish. She attends to both English and Spanish speaking members in our community and is available to deliver lectures and classes in both languages.

Dr. Clum enjoys spending time with her three amazing children; her oldest is currently in Chiropractic School. She has a passion for family, travel, natural health, serving her community and all things chiropractic. You may also run into her on the ski slopes or hiking trails in our beautiful region!

## **Upcoming Changes to National Boards Part IV**

By: Dr. Bill Davis

Part IV of National Boards has been relatively unchanged since 1996. Currently, each candidate navigates through 25 individual stations. Station testing ranges from Case History to Orthopedic and Neurological testing to Technique. Part IV also used to include Digital Imaging examination, but that was moved to Part III in 2018.

While the current format for testing has been very successful, like in so many other areas, there is always room for improvement. Enter Dr. Andy Gow. Dr. Gow is the Practical Testing Manager at the National Board of Chiropractic Examiners. Dr. Gow was kind enough to discuss future changes to the testing procedures with me at great length.

Dr. Gow started in his current position in 2018 and in 2020-2021 began evaluating the possible redevelopment of the Part IV OSCE examination. As part of the Part IV Redevelopment process, Dr. Gow reached out to other professions, such as the Osteopathic and Medical professions, to see how they were testing new practitioners. Dr. Gow's goal was to develop a method of testing whereby the candidate was tested in a manner more consistent with real life clinical encounters.

A great deal of time and effort has been put into the Part IV Redevelopment effort. As a result, the pilot program for testing is scheduled to be rolled out in 2024 with the ultimate goal of starting the new testing procedure in 2026.

The new format will be more of a "student led" exam. In the pilot, an 8-station examination format will be used, and the student will have 12 ½ minutes to conduct a focused Case History. Based on the information collected in the Case History, the student will be expected to make reasonable clinical decisions. The student must demonstrate an appropriate course of action for the patient. For example, the student must decide what examination procedures are needed, what imaging might be needed, whether to refer, and certainly, what chiropractic adjustive measures to consider. After the patient encounter the candidate will then have 7 ½ minutes to complete an appropriate SOAP note.

The proposed changes to Part IV are significant. While the new method of testing might seem more challenging for the students, Dr. Gow does not anticipate any significant change in overall pass/fail rates. Clearly, the upcoming changes accomplish the goal of providing a test that is more reflective of clinical practice.

### **What happens when someone files a complaint against your license?**

By: Tammy Kelley, Deputy Executive Director

Finding out that a complaint has been filed about you is upsetting. There are a lot of questions that you start asking yourself. Who filed this? Did I do something wrong? What do I do now? Am I going to lose my license? Knowing how the complaint process works can help prevent some of that anxiety. This article is not legal advice, it is intended to provide some basics about the complaint process.

A complaint can be filed by anyone. Some examples of common complainants are patients, a patient's family, other health care providers, insurance companies or an employee. When a complaint is filed, it is opened by Department of Health (Department) staff and forwarded to the Commission for review. All complaints filed against chiropractors are assessed by a panel of the Commission. The Commission reviews a redacted copy of each complaint to determine if the allegations need to be investigated. All identifying information about the complainant and chiropractor is redacted at that time to prevent any appearance of bias in this review. A complaint can be closed at this step for many reasons. If the complaint doesn't appear to be a violation of law, is very minor in nature, is outside the Commission's jurisdiction or doesn't include sufficient information, it can be closed during this assessment. If a case is closed at assessment, the licensee receives written notification of the complaint, and the complainant is notified of the closure. If the Commission believes that there may be a violation, an investigation is authorized to obtain more information. You may find [RCW 18.130.080: Unprofessional conduct](#) helpful.

If an investigation is authorized, the file is transferred to a Department of Health investigator. The assigned investigator will gather all necessary information, including reaching out to the licensee for a response and records, if appropriate. These materials are included in the file and forwarded for Commission review. At this review, the Commission has several options including, closing the case, requesting additional investigation or

forwarding for corrective action. There are many types of corrective action that the Commission can choose to take. These include a Notice of Correction, an Early Remediation Plan, a Statement of Allegations, or a Statement of Charges.

A Notice of Correction and an Early Remediation Plan are both ways to address violations that are minor in nature and have not resulted in patient harm, without disciplinary action. A Statement of Allegations (See [RCW 18.130.172](#)) is considered informal disciplinary action. A Statement of Charges (See [RCW 18.130.090: Statement of charge](#)) is considered formal disciplinary action and the licensee has a right to request a hearing.

It is important to remember that when the Commission is reviewing complaints, they are ensuring that laws and rules are being followed and that patients are receiving appropriate care. The Commission closes a very large percentage of the cases received without any action. If disciplinary action is necessary, the Commission's goal is to protect the public in the least restrictive way possible.

## **Laws and Rules**

**By: Susan Jensen JD, CQAC Public Member**

Chiropractors in Washington are subject to regulation by laws and rules. It is interesting to consider the origins and effects of both. Please note that this article is not intended to be legal advice.

### **I. Laws**

At the time of statehood, 1889, the Washington State Constitution established the three branches of government: legislative, executive, and judicial. The Legislature proceeded to adopt the laws that are codified in the Revised Code of Washington (RCW). Laws are, in the alternative, referred to as statutes or RCWs.

In 1919, the first laws recognizing and regulating chiropractic practice were adopted. Presently, laws directly affecting chiropractors include [Chapter 18.25 RCW](#) (Chiropractic Practice Act) and [Chapter 18.130 RCW](#) (Uniform Disciplinary Act). The Chiropractic Quality Assurance Commission ("Commission") is the agency in the executive branch charged with the administration and enforcement of those laws. Exceptions are that the Secretary of the Department of Health has jurisdiction over allegations of unlicensed practice ([RCW 18.130.190](#)) and sexual misconduct not associated with clinical practice ([RCW 18.130.062](#)).

Interactions between the Commission and the Legislature are governed by law and, strictly speaking, do not include lobbying. For the sake of brevity, this article does not further explore the process that results in the adoption of laws. Several tutorials are available at [Legislature Home](#). For a quick overview see, [I'm Just a Bill](#). This describes federal legislation, but it's a similar process and fun to watch, with or without kids.

### **II. Rules**

The Legislature recognizes that agencies with expertise are situated to adopt rules to carry out the intent expressed in laws. Rules lend specificity and practicality to laws.

[RCW 18.25.0171](#) is the law that enables the Commission to adopt rules: **“The Commission may adopt such rules as are deemed consistent with this chapter and may be deemed necessary and proper to carry out the purposes of this chapter.”**

Rules are codified in the Washington Administrative Code (“WAC”) and are commonly referred to as WACs. Those pertaining to chiropractic practice are found in [Chapter 246-808 WAC](#). WACs have the force and effect of law. They are subject to judicial review if alleged to exceed the scope of the laws enabling them. WACs are adopted by the Commission after a multi-step process involving as many stakeholders as possible. See, [Washington State Chiropractic Quality Assurance Commission Newsletter Fall 2022](#) for Betty Moe’s comprehensive article on the WAC adoption process and the Commission’s current rulemaking efforts.

### III. Conclusion

A working knowledge of applicable laws and rules is essential to chiropractic practice. The proposal and adoption processes offer opportunities to contribute to the profession and the public it serves.

RCWs and WACs are shelved in the law library at your county courthouse and in the state law library at the Temple of Justice in Olympia. RCWs are bound in green, WACs in dark blue. On-line access is likely more convenient.

### **Tips for your office**

By: Michael Long, DC

Are you taking time to educate your patients through a thorough report of findings? In our current healthcare culture, our patients receive more health-related education through social media and internet searches than they receive from their doctors. It is estimated only 10 percent of the US population seek chiropractic care annually in the United States. A primary reason such a small percentage of our population utilizes chiropractic care is that they do not understand chiropractic. When you ask people what chiropractors do, a common response is, “they crack your back!” It is no surprise, when you look at Instagram, Twitter, Facebook, and YouTube this is all people believe chiropractors have to offer. Let’s face it, many of the videos on social media do not shed the best light on chiropractic.

When a patient enters our offices, we have a unique opportunity to educate them about chiropractic care and the role we can play in helping them function at their maximum health potential. In our practice we set aside 30 minutes for every new patient on their second visit for a thorough report of findings. We begin by teaching them the anatomy of the spine and the function of the nervous system and explain how a vertebral subluxation negatively impacts the function of this crucial system. We then explain the specific test results from their examination in detail, so they fully understand. They are shown visual graphs representing the objective tests we performed that helped us detect evidence of vertebral subluxations. If we took x-rays of their spine, we show them their analyzed x-rays compared to ideal normal x-rays. Many patients tell us that they have never had a doctor go over the detailed results of their examination and show them their x-rays. This is a tremendous opportunity for a patient to understand the depths of their health challenges and how chiropractic care can contribute to their healing process.

Once we have completed their report, we give our patients the best recommendations we can for their specific condition. We always give patients the option to choose a corrective care plan or a crisis-relief care plan. It is important to allow the patient to choose what type of care works best for them. The purpose of this report of findings is not to scare or manipulate patients into choosing chiropractic care. When a patient fully understands their condition and how chiropractic works, they are likely to follow their care plan and recommendations which will lead to better results. We have an obligation to educate our patients about their condition and how chiropractic care can play a role in their healing. It is completely up to them to decide what type of care plan they choose, even if that means they choose not to receive any care at all.



Don't miss the opportunity you have with every new patient to educate them about the benefits of chiropractic care. This can make a world of difference in their acute and long-term care as well as their ability to share chiropractic care with others.

## 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:

### Cowlitz County

In February 2023 the Chiropractic Commission charged chiropractor **Anik J. St. Martin** (CH00033965) with unprofessional conduct. Martin owns a clinic where, in 2021 and 2022, staff allegedly failed to comply with COVID-19 masking requirements.

### Grant County

In June 2023 State health officials suspended the license of chiropractor **Tyrone T. Trexler** (CH00034180) pending further legal action. Charges state that Trexler has been charged in Grant County Superior Court with two counts of first-degree child rape, a class A felony and unlawful imprisonment, a class C felony.

### King County

In May 2023 State health officials reprimanded chiropractor **Mark Babich** (CH00003656). Babich's license will be on probation for at least three years, during which time he must provide a disclosure of this order to any patient, allow an investigator to audit patient records unannounced up to two times per year, pay a \$5,000 fine, and receive an unconditional pass from an ethics program. In December 2019, Babich began a romantic and sexual relationship with a patient.

In July 2023 the Chiropractic Quality Assurance Commission charged chiropractor **Justin T. Goslin** (CH60264834) with unprofessional conduct. Charges state that in 2020, Goslin inappropriately touched a patient during treatment and discussed his personal relationship with the patient. In July 2022, Goslin allegedly smelled of alcohol, discussed his personal relationship with a patient and attempted to keep her from leaving the treatment session and parking lot.

In March 2023 the Chiropractic Commission modified its agreed order against chiropractor **Ronwynn Bruton Pratt** (CH00033994). Pratt's credential will be placed on monitoring for at least 33 months, during which she must contact a substance use monitoring program to determine if she is required to enroll and participate. She must also undergo a mental health evaluation by a mental health professional pre-approved by the Commission and pay a \$1,000 fine. In July 2020 Pratt was convicted of fourth-degree assault and domestic violence and third-degree malicious mischief.

In April 2023 the Chiropractic Commission amended a statement of charges against **Robert Ulrich** (CH00033882) whose chiropractor license was summarily suspended in August 2022. Ulrich was

charged with possession and dealing of depictions of a minor engaged in sexually explicit conduct, both class B felonies, and attempted viewing of depictions of a minor engaged in sexually explicit conduct, a gross misdemeanor. Ulrich has since pleaded guilty.

In March 2023, The Chiropractic Commission suspended the chiropractic license of **Islamuddin Wardak** (CH00034030) pending further legal action. In September 2020, Wardak was convicted of fourth-degree assault-domestic violence and two counts of violation of a court order-domestic violence, both charges are gross misdemeanors. In February 2021, Wardak was charged with second-degree rape-domestic violence, a class A felony, and with felony violation of a court order-domestic violence, a class C felony. In November 2022, Wardak plead guilty to two counts of domestic violence-felony violation of a court order, a class C felony. The convictions and charges are in King County Superior Court.

### **Pierce County**

In June 2023 the Chiropractic Quality Assurance Commission indefinitely suspended the chiropractor license of **Jordan Nicole Landholm** (CH60721678). Landholm may petition for reinstatement. In September 2020 in responding to an August 2020 complaint against Landholm's business of employment, a Department of Health investigator observed Landholm not wearing a mask as required by the governor's proclamation.

In January 2023 the Chiropractic Commission and chiropractor **Craig Patrick Lapenski** (CH00003689) agreed to an order that places his license on probation for at least one year, permits the Commission to conduct unannounced inspections, requires Lapenski to pass the jurisprudence exam, and pay a \$4,000 fine, among other actions. Lapenski owns a clinic that did not follow COVID-19 protocols such as employees masking and screening patients.

In July 2023 the Chiropractic Quality Assurance Commission charged chiropractor **Dennis Eugene Smith** (CH00001762) with unprofessional conduct. In November 2021, Smith allegedly incompetently performed a test that caused pain and injury to the patient. Charges also state that during the same appointment Smith failed to keep accurate documentation of the treatment.

### **Snohomish County**

In April 2023 the Chiropractic Commission placed the chiropractor license of **Gordon Aubrey Myco** (CH00003460) on probation with conditions. Department of Health investigations in 2020 and 2021, found that Myco did not require patients or staff at a clinic he owns to wear face coverings, follow social distancing, or screen for COVID-19. The conditions of the probation are that Myco must update his office policy to align with current health recommendations, take and pass a jurisprudence exam, submit an essay on the topic of public health laws, attend and complete an ethics examination, attend and complete an ethics course, pay a \$10,000 fine, and allow unannounced inspections up to 4 times annually for 2 years.

In July 2023 the Chiropractic Quality Assurance Commission charged chiropractor Kyle Matthew Osborne (CH60450085) with unprofessional conduct. Osborne was a sole owner of a chiropractor business where his employee was referring patients to another business in which Osborne was co-owner. The patients were not notified of Osborne's financial interest in the referrals to the other business.

### **Spokane County**

In February 2023 the Chiropractic Commission suspended the chiropractic license of **Timothy Bruce Price** (CH00034209) for at least four and a half years. Between December 2020 and February 2021, Price engaged in sexual contact with a patient ending in a protection order from the patient. Price participated in a substance use treatment program but failed to disclose having a sexual relationship with a patient. Prior to

reinstatement of his license Price must undertake all recommended rehabilitation as well as professional assessment.

### **Whatcom County**

In July 2023 the Chiropractic Quality Assurance Commission charged **Brian David Boyd** (CH00003375) with unprofessional conduct. Charges state that in between October 2015 and March 2022, Boyd practiced as a chiropractor with an expired license. Boyd's license expired in October 2015.

### **Out of State**

Utah: In February 2023 the Chiropractic Commission summarily suspended the license of chiropractor Brandon Steven Slaugh (CH60960132). Slaugh may not petition for reinstatement of his license for at least two years, must pay a \$5,000 fine, and undergo a complete psycho-sexual evaluation by a psychiatrist or mental health specialist pre-approved by the Commission. In January 2021, Slaugh had sexual contact with a patient and in February inappropriately massaged a second patient's gluteal muscles and then accessed her patient records to send her a personal email.

### **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 2023 Meeting Date**

November 16, 2023



## **2024 Proposed Meeting Dates - dates will be finalized at the meeting on November 16, 2023**

January 11, 2024

March 14, 2024

May 9, 2024

July 11, 2024

September 12, 2024

November 14, 2024

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Spanish:

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### **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. When is NBCE is expecting to role out revisions to Part IV?
  - Fall of 2023
  - 2025
  - 2024
  - 2026
2. The Chiropractic Commission does not accept anonymous complaints.
  - True
  - False
3. The first laws recognizing and regulating chiropractic practice were adopted what year?
  - 1891
  - 1889
  - 1919
  - 1944
4. The Commission is currently working on revising.
  - WAC 246-808-150
  - WAC 246-808-060
  - WAC 246-808-660
  - WAC 246-808-570
5. Dr. Dana Clum has not worked in what country?
  - Costa Rica
  - Africa
  - United States
  - Spain