



Chiropractic Quality Assurance Commission Newsletter – 2018; 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

This year brings a renewed focus and effort. The Commission and its staff worked long hours to ensure that [House Bill 2313](#), granting to us permanent expanded authority over our own budget and staffing, cleared the legislature and was signed by the governor. These efforts, as well as the efforts of others, have not gone unnoticed. We as a Commission are sincerely appreciative of those who supported us in this process.

With that behind us, we have now renewed our focus on bringing about continued positive change to the profession to further protect the public. The rules packages will be scheduled for public hearings later in the year and next year. We look forward to receiving your input.

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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/Special Projects

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

Robert Schmitt, DC

Gary (Gabe) Smith, DC

Matthew Waldron, DC

Kimberly Corbin Waters, DC

Vacant, DC

Judy Colenso, Public Member

James Slakey, Public Member

Louise Stephens, Public Member

Chiropractic Quality Assurance Commission Complaint Process

by Gabe Smith, DC, DACBR

The Chiropractic Quality Assurance Commission (Commission) receives complaints from various sources such as patients, a patient's family member, employees of a chiropractor, other health care professionals, and insurance companies. When a complaint is filed with the Department of Health, a file is created by the Department of Health's Complaint Intake Office. The file is then forwarded to the Commission's case manager, who assesses the report and prepares it for review by one of the two Commission panels. On the first and third Thursday of each month, a panel meets to review new complaints and to discuss other complaint-related matters. Each panel is made up of seven commission members, including at least one public member, in order to maintain fairness throughout the complaint-disciplinary process.

All identifying information about the complainant and chiropractor are redacted in new complaints to prevent any possible appearance of bias. The redacted version of everything the complainant includes in the complaint is reviewed by the panel members before discussion of the case on a conference call. The panel members reach consensus regarding the complaint and direct the case manager regarding how to proceed. The options at this stage of the process are to close the case if it's below a predetermined threshold, or to authorize the case to be investigated. The Department of Health's Office of Investigation and Inspection must receive authorization from the Commission in order to initiate an investigation of a complaint.

The evidence gathered from the investigation is compiled, and a short investigative report is written by the investigator. The case manager then assigns a Commission member who has to review all the information. The assigned reviewing commission member prepares a summary of the case to present to the panel. A staff attorney is also assigned to work with the reviewing commission member. Based on the information provided, the panel determines the next step. The options are closing the case at this time (usually because evidence doesn't support a violation), requesting additional investigation, or pursuing disciplinary action.

Disciplinary action may be a statement of allegations, statement of charges, or summary suspension. A statement of allegations results in a stipulation to informal disposition and is considered informal disciplinary action. Sanctions can include putting the credential on probation, requiring cost recovery for the expenses of completing the investigation and legal process, continuing education related to the violation(s), jurisprudence or other examinations, mentoring to assist the chiropractor, or random audits of the records during the period of oversight. A statement of charges results in a final order and is a higher level of disciplinary action that sometimes uses a fine per violation as opposed to cost recovery, as well as those actions used in the statement of allegations. With this type of discipline, we can also suspend or revoke the chiropractor's license. A summary suspension is put in place when there is an imminent risk of patient harm. The credential remains suspended until a hearing can be held to determine the need for continued suspension. Each action is reported to the National Provider Data Bank, and is public knowledge.

If you have any questions regarding the complaint-disciplinary process you should contact your legal advisor for clarification.

Commission Participation in the FCLB and NBCE

by David Folweiler, DC, DACRB

As the licensing body for chiropractic in the State of Washington, the Chiropractic Quality Assurance Commission (Commission) benefits from relationships with two national organizations.

The [Federation of Chiropractic Licensing Boards](#) (FCLB) is a non-profit organization that promotes the exchange of ideas among state licensing bodies. It holds both regional and national annual meetings that provide an opportunity for the exchange of ideas and viewpoints. Commission and staff members regularly attend these meetings, and have both learned and contributed to the knowledge base of licensing bodies. As I represent a larger state with well-developed processes and robust staffing, I often come away from the meetings with a sense of pride from the professionalism of the Commission. With that said, there are ample opportunities to learn from the mistakes and successes of other boards.

In addition to information exchanged at the annual meetings in person, we can and do learn from polling of the FCLB member boards. If we think the introduction of additional information would be helpful (why re-invent the wheel?), we can ask the FCLB to conduct a poll of its member boards. Often, this yields valuable information that is useful to us, particularly in crafting new administrative rules and policies.

We also benefit from the FCLB's disciplinary reporting service. If one of our licensees or applicants has been disciplined in another state, the FCLB's Chiropractic Information Network/Board Action Databank (CIN-BAD) service will notify us. This allows us to be aware of actions taken against a licensee or applicant.

The headquarters of the [National Board of Chiropractic Examiners](#) (NBCE) lie across the parking lot from the FCLB headquarters and provide a significant share of the FCLB's operating budget. The NBCE is the national testing agency for chiropractic. It offers four examinations for chiropractic students that simulate real-world clinical experiences. The examiners for the Part IV examinations are drawn from state boards, including ours. Twice per year, the Commission sends members to testing sites (typically chiropractic colleges) to help deliver and grade the examination.

Once per year, the NBCE asks for board members to help develop the Part IV test. The Commission sends a chiropractic representative to that event held at its headquarters in Greeley, Colo. I have had the opportunity to participate twice and enjoyed it immensely.

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 Chiropractic Commission ended probation for chiropractor **Perry E. Barnhill** (CH00033927).

Clark County

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

October 2017: Charged chiropractor **John Anthony Lewis** (CH00002998) with unprofessional conduct. Lewis allegedly took radiographs that were of poor diagnostic quality, and kissed a patient on the back of the head while the patient was receiving treatment.

King County

October 2017: Charged chiropractor **Staten C. Medsker Jr.** (CH00002796) with unprofessional conduct. Charges say Medsker advertised and hosted an event with a goal of breaking a world record by adjusting 10,000 patients in a day. Medsker allegedly 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 also allegedly falsely advertised that he is a massage therapist, but has no such license.

October 2017: Charged chiropractor **Jeffrey L. Matheny** (CH00003438) with unprofessional conduct. Matheny's license was suspended in February 2017. He allegedly didn't fulfill a patient's request for medical records. Charges say a commission investigator observed that Matheny's address of record was a clinic space containing a treatment table, and advertising for his chiropractic clinic was in the entrance lobby.

November 2017: Revoked the chiropractor credential of **Jeffrey L. Matheny** (CH00003438) for at least five years. Matheny, whose license was suspended in February 2017, didn't fulfill a patient's request for medical records. A commission investigator was sent to deliver a letter of cooperation on the complaint to Matheny's address of record. The investigator observed a clinic space containing a treatment table, that a patient was on the treatment table, and that advertising for his chiropractic clinic was in the entrance lobby.

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, and 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.

Kitsap County

October 2017: Indefinitely suspended the chiropractor credential of **Michael L. Wagner** (CH00003618), who didn't comply with probationary terms to which he agreed.

November 2017: Placed chiropractor **Ryan B. Macedo** (CH60109615) on probation for at least three years and fined him \$10,000, but stayed the fine. The chiropractor must complete continuing education in radiographic quality, documentation and recordkeeping, and ethics, and pass a jurisprudence exam. Macedo didn't comply with a 2015 stipulation requiring him to practice under the mentorship of another chiropractor, and didn't respond in a timely fashion to requests for three patients' treatment records.

Pierce County

January 2018: Charged chiropractor **Jongmin Lee** (CH60206378) with unprofessional conduct. Charges say the chiropractor touched a patient's breast without clinical necessity.

Snohomish County

December 2017: Charged chiropractor **Malik Bjsingh Prihar** (CH00034750) with unprofessional conduct. Charges say Prihar didn't examine or test a patient's shoulder, or didn't document it. He allegedly provided unnecessary treatment, ordered a needless back brace, billed the patient's insurance for the brace some two months after the patient ended treatment, and provided altered chart notes to the patient's insurance company.

Thurston County

August 2017: Ended conditions on the chiropractor credential of **David A. Camp** (CH00002935).

October 2017: The Department of Health's Unlicensed Practice Program ordered **Michael Wilson** to cease and desist from practicing as a chiropractor or medical doctor without a license, and to pay a \$1,000 fine. Although he doesn't have either license, Wilson offered to draw blood from a state resident to analyze and give advice on how to treat disease or other condition.

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.

Whatcom County

November 2017: Suspended the chiropractor credential of **Terry Ray Rouse** (CH00002727) for at least five years. In 2017 Rouse was convicted of third-degree assault. He engaged in sexual misconduct with patients.

Out of State

California, September 2017: Reinstated the chiropractor credential of **Chad W. Bess** (CH00034347), placed him on probation, and ordered him to undergo evaluation for a substance abuse monitoring program. Bess's license was suspended in 2012 in connection with billing, documentation, and patient treatment issues.

Hawaii, December 2017: Entered an agreement with chiropractor **David M. Birdsall** (CH00034882) that places him on probation for at least 30 months and fines him \$10,000. The chiropractor must complete continuing education in radiographic technique, documentation, and records maintenance and storage. He must pass a jurisprudence exam. Birdsall inadequately documented patient treatment, inaccurately used billing codes, and took substandard radiographs.

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

September 14, 2018 Business Meeting	Sea-Tac	Courtyard Seattle Marriott 16038 West Valley Hwy Tukwila, WA 98188
November 10, 2018 Business Meeting	Sea-Tac or Tumwater	Courtyard Seattle Marriott 16038 West Valley Hwy Tukwila, WA 98188
January 10, 2019 Business Meeting	Kent, Sea-Tac or Tumwater	To Be Determined
March 14, 2019 Business Meeting	Kent, Sea-Tac or Tumwater	Department of Health Point Plaza East Building, Rooms 152/153 310 Israel Rd SE Tumwater, WA 98501
May 9, 2019 Business Meeting	Kent, Sea-Tac or Tumwater	Department of Health Creekside 2, Room 309 20425 – 72 nd Ave. S Kent, WA 98032

July 11, 2019 Business Meeting	Kent, Sea-Tac or Tumwater	Department of Health Point Plaza East Building, Rooms 152/153 310 Israel Rd SE Tumwater, WA 98501
September 12, 2019	Kent, Sea-Tac or Tumwater	To Be Determined
November 14, 2019 Business Meeting	Kent, Sea-Tac or Tumwater	To Be Determined