



Chiropractic Quality Assurance Commission

Newsletter July – September 2012 Edition

Table of Contents

Message from the Chair

Featured Articles:

Advertising

HCG Diet

Disciplinary Actions

Rules Information

Department News

2012/2013 Meeting

Dates/Location

Welcome to the Chiropractic Quality Assurance Commission Newsletter

This purpose of our newsletter is to help keep the chiropractic community informed of issues related to Washington State laws, as well as the work of the Chiropractic Quality Assurance Commission (commission).

Message from the Chair – Harold Rasmussen, DC

This newsletter is still very much in its infancy. With time, our goal is to improve communication within the chiropractic profession and the public. We wish to bring a better understanding of the role the commission plays, the issues brought before us, and our decision making process.

In future publications, we will present our opinions on some controversial issues that may have an impact on the profession. Watch for future newsletters to include articles about records retention, oxygen usage, Groupon/Deal-of-the-Day coupons, and billing coding. These articles should assist the profession by providing an interpretation of the laws and addressing evolving issues.

The knowledge gained by reading our newsletter is crucial to the profession. We challenge you to contact others and encourage them to join the [listserv](#). The commission provides a forum to voice concerns. We welcome communication from both the profession and the public.

Governor
The Honorable Christine Gregoire

Department of Health
Mary C. Selecky, Secretary

Bob Nicoloff
Executive Director

[Leann Yount](#)

Program Manager

Commission Members

Harold Rasmussen, DC
Chair

Gary “Gabe” Smith, DC
Vice-Chair

Aaron Chan, DC

Patrick Espana, JD
Public Member

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Bryson Langel, DC

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Ronald Rogers, DC

Robert Schmitt, DC

James Slakey
Public Member

Louise Stephens
Public Member

Gita Vasudeva, DC

Matthew Waldron, DC

ADVERTISING

Promoting your practice through advertising can be an expensive undertaking. It can become even more expensive if the advertisement does not conform to the rules and laws governing chiropractic advertising. A quick perusal of the relevant [WACs](#) and [RCWs](#) reveals at least eight separate rules that directly or indirectly relate to advertising. If your advertisement generates a complaint from a patient, a colleague, a competitor, or an insurance company, dealing with the fallout can be costly.

The following list is not exhaustive, but highlights important requirements relating to chiropractic advertising:

- Advertisements must identify the provider as a chiropractor. The treatment should be clearly identified as chiropractic so that the consumer is not confused.
- Advertisements may not be “sensational” or “misleading.”
- You must be able to supply evidence that substantiates the truth and accuracy of any statistics or claims made in an advertisement.
- You must honor any advertised fee no matter the type or source of the patient.
- If using testimonials in your ad, they must relate to patient care provided within five years of the ad publication. The testimonial may not attest to the superiority of the doctor or the technique. It may not refer to a named diagnosis. It may not claim a specific cure. You must document, notarize, and keep on file any testimonials.

It is common for equipment vendors to sell advertising packages along with their products to help doctors generate the kinds of new patients who might benefit from the new product or service. These types of advertisements may not pass muster under the scrutiny of Washington law. You, as the licensed practitioner, are ultimately responsible for the content of your advertisement. It is always wise to evaluate the content of this type of ad against the relevant regulations. If in doubt, you might wish to obtain legal counsel before placing an ad.

Another twist in the advertising world is the recent creation of coupon vendors through on-line social media outlets. In addition to the fact that you must honor advertised discounts to any consumer (the Personal Injury Protection patient, the cash patient, the Medicare patient, etc.), depending on the payment arrangements with the coupon vendor, there is a potential for this type of arrangement to be viewed as “fee-splitting” or a “kick-back” scheme. Again, be sure you closely evaluate the proposed arrangement in the context of Washington State law.

Try to familiarize yourself with all of the laws relating to your license to practice. Always be sure that your advertisements comply with these laws. It is safe to assume that if you do not carefully scrutinize your advertising, someone else will. You don't want to find out via the complaint process that your advertisement is out of compliance.

HCG DIET

At the June 9, 2011 commission meeting, the commission reviewed the human chorionic gonadotropin (HCG) weight-loss program and decided to classify it as “non-approved” for chiropractic practice. The commission made this decision in response to a specific inquiry as to whether the HCG weight-loss protocols fall within the chiropractic scope of practice. The key component to this popular weight-loss approach is the use of the hormone, HCG, either as an injected pharmaceutical agent or in a homeopathic oral preparation. Proponents of the approach claim that the hormone allows one to subsist on a very low-calorie diet while experiencing minimal unpleasant side-effects such as hunger pangs.

The commission is not tasked with judging the merits of the HCG approach for weight-loss, and does not make any assertions regarding the safety or efficacy of this approach. Instead, the commission must address this question in the framework of the chiropractic scope of practice, as formally defined in RCW [18.25.005](#). While this definition allows the chiropractor to provide “dietary advice and recommendation of nutritional supplementation,” it specifically restricts chiropractors from “prescription or dispensing of any medicine or drug.” The injected HCG preparations are regulated as drugs, so clearly this approach would be outside of the chiropractic scope of practice in Washington State. With regard to the oral HCG preparations, the commission previously determined that the chiropractic scope of practice does not include the practice of homeopathy.

The commission recognizes the public health impact of the increasing obesity epidemic including the direct and indirect effects on the musculoskeletal system. Efforts to address weight-loss by means consistent with the chiropractic scope of practice are to be encouraged.

DISCIPLINARY ACTIONS

The Washington State Department of Health revoked or suspended the licenses, certifications, or registrations of healthcare providers in our state. The department has also immediately suspended the credentials of people prohibited from practicing in other states.

The department’s Health Systems Quality Assurance division works with boards, commissions, and advisory committees to set licensing standards for more than 70 health care professions (e.g., medical doctors, nurses, counselors).

Information about healthcare providers is on the agency’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 their credential, disciplinary actions, and copies of legal documents issued after July 1998. You can 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 Commission has taken the following disciplinary actions, or withdrawn charges, against Washington State licensed chiropractors.

Benton County:

August 2012: Amended the statement of charges against chiropractor **Russell S. Tagg** (CH00002726). Tagg’s license was immediately suspended in March 2012 for alleged sexual misconduct. Charges say he touched more than one client inappropriately during massage treatments

King County:

April 2012: Charged chiropractor **Shawn G. Jonas** (CH00003146) with unprofessional conduct. It's alleged that he improperly billed insurance for patient treatment, and failed to keep proper patient records.

June 2012: Entered into an agreed order with chiropractor **Lawrence P. Stanton** (CH00002345) to reinstate Stanton's license and place it on probation for two years.

June 2012: Ended the probation order against chiropractor **William D. Borg** (CH00002484).

August 2012: Entered into an agreed order with chiropractor **Richard E. Stocker** (CH00001994). Stocker must comply with terms and conditions set against his license.

Pierce County:

June 2012: Charged chiropractor **Edward L. West** (CH00001640) with unprofessional conduct. West allegedly billed insurance for services not provided and failed to keep proper patient records. He also allegedly asked patients to come to his office and sign back-dated attendance sheets stating they'd received treatments on certain days when they had not.

July 2012: Released chiropractor **Steve C. Baek** (CH00034360) from terms and conditions set against his credential.

Snohomish County:

May 2012: Charged chiropractor **Alex W. Styles** (CH00002335) with unprofessional conduct. In 2011 Styles was convicted of second-degree theft and making false statements.

July 2012: Suspended the credential of chiropractor **Alex W. Styles** (CH00002335) for at least ten years. Styles was convicted of second-degree theft and making false statements. Styles billed the state for services he did not provide.

Spokane County:

May 2012: Chiropractor **Chad W. Bess** (CH00034347) with unprofessional conduct. Bess was allegedly arrested in 2011 for possession of methamphetamine, and admitted to the arresting officer that he was addicted to Oxycontin. A commission investigator mailed a letter to Bess asking about the incident, and he failed to respond.

June 2012: Suspended the credential of chiropractor **Chad W. Bess** (CH00034347) for five years. In November 2010, Bess told a police officer that he was addicted to Oxycontin, and in December 2011 he was arrested for possession of methamphetamine. He has not responded to repeated requests by the commission to provide information on the allegations. His credential was expired.

June 2012: Charged chiropractor **Chad W. Bess** (CH00034347) with unprofessional conduct for failing to comply with a previous stipulation.

August 2012: Entered into an agreed order with chiropractor **Kevin L. Bond** (CH00001649). Bond must comply with terms and conditions set against his license.

Rules Information

Governor Gregoire issued an Executive Order on November 17, 2010 freezing all non-critical rulemaking through December 31, 2012, unless an exception is met and the rule has been authorized to proceed with rulemaking. The commission was granted an exception to proceed with rulemaking on [WAC 246-808-180](#) for patient safety reasons.

Currently, a Washington State chiropractor whose license expired for three years or more must pay the fees and pass the jurisprudence exam to renew the license. There are no other requirements to reinstate the expired credential.

The commission has concerns that there are increased risks of patient harm when a practitioner who has not practiced for more than three years, and has not maintained clinical competency or continuing education, is able to reactive an expired license with minimal requirements.

[WAC 246-12-040](#) sets the general requirements for a healthcare practitioner to renew an expired credential. The regulatory entity must determine any requirements related to competency. The commission believes rulemaking is necessary to protect the public and that practitioners with licenses expired more than three years must be able to demonstrate clinical knowledge and application.

The commission set a hearing regarding the proposed language during its meeting on December 13, 2012.

2012 Proposed HEAL-WA Fee Reduction

The department adopted rules to reduce the surcharge to access [HEAL-WA](#). You can access the online Web portal through the University of Washington. They provide information for specific professions.

The [rules](#) were filed with the Office of the Code Reviser on September 18, and were effective on November 1, 2012. The fee dropped from \$25 to \$16 per year.

Department News - Online Renewals

The department is in the process of implementing online license renewals for all health professions. The implementation process is unfolding by introducing a handful of professions at a time. Chiropractors and chiropractic x-ray technicians are now able to renew online.

While the online renewal process is more convenient for our customers, it does not reduce agency costs. We will continue to mail renewal notices and licenses to our credential holders. We now accept Visa, MasterCard, debit, and electronic check payments for a \$2 convenience fee. Our current renewal process is already mostly automated; therefore, this new optional system will not decrease staff time. The purpose of convenience fee is to help cover costs of making the online system available and credit card processing.

Renew Online -- <http://www.doh.wa.gov/hsqa/Renewals.htm>

You will not be able to renew online if:

Your credential has already expired.

- You are currently in any other status such as military, inactive, or retired.
- You want to change your status from active to military, inactive, or retired.
- You have an address change.
- You have a name change.

Please contact our Customer Service Office at 360-236-4700 for assistance.

Is your contact information current?

We must have your current mailing address in our system for you to renew online. We mail your updated credential to the address on file. The United States Postal Service will not send your credential to a forwarding address.

If your contact information is not current in our system, please complete and submit the [address change form](#). Please include a valid email address. [Contact us](#) prior to online renewal to make sure your contact information is updated.

2012/2013 Commission Meeting Dates and Locations

December 13, 2012	Point Plaza East Room 152 and 153 310 Israel Rd. Tumwater, WA 98501
February 14, 2013	Point Plaza East Room 152 and 153 310 Israel Rd. Tumwater, WA 98501
March 23/24, 2013 Workshop	Vancouver, WA Location – To Be Determined
June 13, 2013	Point Plaza East Room 152 and 153 310 Israel Rd. Tumwater, WA 98501
August 8, 2013	Point Plaza East Room 152 and 153 310 Israel Rd. Tumwater, WA 98501
October 10, 2013	Point Plaza East Room 152 and 153 310 Israel Rd. Tumwater, WA 98501
December 12, 2013	To be determined

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.vount@doh.wa.gov.