



Chiropractic Quality Assurance Commission

Newsletter January – April 2013 Edition

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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

I hope that you had a very fulfilling holiday season. We wish you all a happy and healthy New Year. The commission is looking forward to a very productive and rewarding year.

I would like to bring you up to date with a couple of items that I think are very important to Washington State chiropractors.

The commission is working with the Department of Health (department) to get a licensing fee decrease. RCW 43.70.110 requires fees be set to run the program without creating a deficit or large surplus of money. The department annually analyzes the revenue and expenses for all professions to consider past, current, and future biennia to determine if a profession's revenue is sufficient to administer the program. It appears that a reduction to the renewal fee is necessary. The department is running projections to determine the proper fee reduction. I know that the increase in our licensing fees over the past three years has been a hardship on many practitioners. Any reduction to the renewal fee is welcomed.

I would also like to address the newsletter publishing dates. The newsletter will be published in January, May, and September. Because the commission meets every two months, we have found a little difficulty to do a quarterly newsletter. As I stated before, I think this newsletter has a tremendous connection with our profession and the public. We will strive to do the best job we can to keep you updated with what we think is important.

Governor

The Honorable Jay Inslee

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

Winfield Hobbs, DC

Bryson Langel, DC

Douglas Long, DC

Ronwynn Pratt, DC

Ronald Rogers, DC

Robert Schmitt, DC

James Slakey
Public Member

Louise Stephens
Public Member

Gita Vasudeva, DC

Matthew Waldron, DC

Future Care Contracts

In the chiropractic community the use of future care contracts is commonplace and works well for some practitioners. Offering patients chiropractic care for a monthly fee paid in advance is popular within practice management groups. This type of practice is valuable to the community in that those who are uninsured can receive chiropractic care at reasonable monthly rates.

If you are considering implementing some form of future care contract in your practice, it is very important that you review and learn the laws that govern this. The chiropractic administrative code for future care contracts is WAC 246-808-550 titled “Future care contracts prohibited” and states “It shall be considered unprofessional conduct for any chiropractor to enter into a contract which would obligate a patient to pay for care to be rendered in the future, unless the contract provides that the patient is entitled to a complete refund for any care not received.” Although this appears to be very straightforward administrative code, there is more to be considered.

In order to promote access to medical care for all citizens and to encourage innovative arrangements between patients and providers, RCW 48.150 Direct patient-provider primary health care was developed. This code defines in detail the guidelines and procedures to follow for those health care practitioners entering into direct practice contracts with patients.

Direct practice contracts are similar to future care contracts and RCW 48.150 should be reviewed and understood before beginning a direct practice contract (future care contract) with a patient. A direct practice must charge a direct fee on a monthly basis. The fee must represent the total amount due for all the services specified in the direct agreement. A direct practice must maintain appropriate accounts and provide data regarding payments made and services received to the direct patients upon request. The direct practice may bill patients at the end of each monthly period or collect the fee in advance. However, when the fee is collected in advance and the patient terminates care, all unearned direct fees must be promptly refunded to the patient. If the patient pays more than one monthly direct fee in advance, then the funds must be held in a trust account and paid to the direct practice as earned at the end of each month. Any unearned direct fees held in trust at the time of termination must be promptly refunded to the patient. The direct practice may not submit any claim for payment to any insurance carrier for health services provided to direct patients. Direct practices must submit annual statements to the Office of the Insurance Commissioner, specifying the number of providers in each practice, total number of patients being served, the average direct fee being charged, providers’ names, and the business address of each direct practice.

This is a brief synopsis of RCW 48.150. If you are considering a future care contract type of practice, it is recommended that you read this chapter of the Revised Code of Washington.

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 80 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 his or her 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 the massage.

August 2012: Charged chiropractor **Perry E. Barnhill** (CH00033927) with unprofessional conduct. Barnhill was convicted of third-degree theft in 2012.

November 2012: Charged chiropractor **Gabriel Anguiano** (CH00002745) with unprofessional conduct. He allegedly billed for services not provided.

Chelan County

November 2012: Modified the 2010 agreed order against chiropractor **Jason Schroeder** (CH00003389) and placed him on monitoring for at least three years.

Jefferson County

October 2012: Charged chiropractor **Keith David Meyer** (CH60131354) with unprofessional conduct. Meyer allegedly didn't examine a patient appropriately before manipulating her and didn't give adequate instruction for post-treatment. The inadequate examination and instructions allegedly delayed proper medical treatment for a stroke.

King County

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

August 2012: Amended April 2012 charges against chiropractor **Shawn G. Jonas** (CH00003146). Jonas allegedly improperly billed insurance for patient treatment and failed to keep proper patient records.

October 2012: Charged chiropractor **David Mark Silverstein** (CH00002447) with unprofessional conduct. Silverstein was allegedly convicted of theft of government funds in federal court in 2012.

November 2012: Released chiropractor **Dawn M. Hunter** (CH00034116) from terms and conditions set against her license in 2007. She must continue to comply with the 2012 order against her license.

November 2012: Charged chiropractor **Vivian M. Ledesma** (CH00002609) with unprofessional conduct. She allegedly billed for services not provided by using the wrong coding, didn't keep adequate treatment records, and didn't record results of treatments provided.

December 2012: Charged chiropractor **John M. Birkeland** (CH00002297) with unprofessional conduct. He allegedly didn't comply with a prior order and didn't submit to a health exam required by the commission.

Kitsap County

November 2012: Charged chiropractor **Blake J. Wagner** (CH00003095) with unprofessional conduct. He allegedly asked a patient to loan him \$600 on one or more occasions

Spokane County

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

November 2012: Charged chiropractor **Stephen Frank Renner** (CH00001206) with unprofessional conduct. Charges say he didn't comply with terms and conditions set against his license.

Thurston County

November 2012: Ended the probation order against chiropractor **Marvin Kunikiyo** (CH00002656).

November 2012: Charged chiropractor **Matthew W. Martinez** (CH60191433) with unprofessional conduct. Allegations include billing for services not provided and representing himself as a licensed massage practitioner when he doesn't hold an active massage practitioner credential in Washington.

Out of state

Arizona: September 2012: Lifted the suspension on the license of chiropractor **Matthew J. Reilly** (CH00034693) and placed it on probation until at least December 1, 2012.

Rules Information

A rules hearing was held for WAC 246-808-180 – How to reactivate an expired license.

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

The amended rule describes the requirements to reinstate an expired license based on three time frames:

- One renewal cycle or less,
- One through three years, but the chiropractor had an active license in good standing in another jurisdiction and completed CE, or
- More than three years and the chiropractor did not have an active license in good standing in another jurisdiction and did not complete CE.

The amendments help to ensure that practitioners who have not practiced for a period of time have the skills and knowledge to ensure patient safety.

In addition, the rule also makes some general housekeeping edits to remove statutory citations that do not apply.

The commission adopted the amended rule language. The CR103 will be filed in February with the Code Reviser's Office. Once the rule is filed, it will be effective 31 days later.

SUICIDE PREVENTION SURVEY AND TRAINING

Suicide is one of the major leading causes of death among our youth, among men in many age groups, as well as among the elderly and military personnel or veterans. Washington State is attempting to find interventions to prevent suicides in our state. A new law, RCW 43.70.422, requires certain healthcare professionals to attend suicide prevention training every six years. Chiropractic is not included in this legislation.

However, the law also requires that the Department of Health conduct a study regarding suicide education and prevention. The University of Washington School of Nursing was awarded the research project through a competitive bid process. As part of the study, an online survey will be conducted in order to gain input from all healthcare providers. The survey will be open during February and March, and should take less than 10 minutes to complete <https://catalyst.uw.edu/webq/survey/emwalsh/188377>. A notification will be sent out through the listservs and provider associations in February. We encourage you to pass this link onto other providers you may know as input from all healthcare professions is a vital part of this study.

If you are interested in obtaining training on suicide prevention, following is a list of potential trainings:

Late Life Suicide Prevention Toolkit: Download free from www.ccsmh.ca.

Identify suicide warning signs, establish rapport, assess suicide risk and resiliency factors, and manage immediate and ongoing risk for suicide among older adults.

Ending Suicide (For Professionals): <http://larasig.com/suicideprofessionals> - This is a free two-hour training online addressing suicide facts and theories and the identification of risk and protective factors.

Overview of Suicide Prevention: Online 3.5 CEU \$40. The National Council for Community Behavioral Health - There are several potential trainings on this site: Common risk factors and symptoms of suicide; assessment, appropriate responses, and mental health/substance abuse implications for suicide; suicide prevention strategies. <http://thenationalcouncil.cequick.com/search.aspx?keyword=suicide>

Mood Disorders: Suicide: The purpose of this course is to provide healthcare professionals with an overview of suicide, including its prevalence, risk factors, assessment, diagnosis, intervention and prevention. Learning level: Introductory, two contact hours. Cost is about \$20.

http://www.nursingceu.com/courses/401/index_ot.html

Suicide Precautions in the Healthcare Setting: Two credit units for \$43.90. The purpose of this intermediate level course is to present the requirements and expectations related to the Joint Commission National Patient Safety Goal, CMS regulations, and best practices regarding screening, implementing precautions, and providing a continuum of care for patients at risk for suicide.

http://www.care2learn.com/course-details.aspx?id=9eb7809e-6681-4538-9f2a-db86d0a80f4c&lp=5nSafXQmUw4=&hours=2.00&backnavkey=CART_CATALOG

Question, Persuade and Refer (QPR) - Two-hour online or in-person focuses on recognizing warning signs, intervening and referring for treatment. \$29.95 online. <http://www.qprinstitute.com>

Safetalk - offered by Youth Suicide Prevention Program – half-day workshop, three CEUs, \$30.

In only a few hours, attendees will learn how to:

1. provide practical help to people with thoughts of suicide, and to be a suicide alert helper;
2. awareness to help a person with thoughts of suicide that are sometimes missed, dismissed and avoided; activate a suicide alert using the TALK steps (Tell, Ask, Listen and KeepSafe);
3. connect people with thoughts of suicide to people trained in suicide intervention,

<http://www.yspp.org/training/safetalk.htm> <http://www.livingworks.net/page/safeTALK>

Department News - Online Renewal Notices

We want to let you know the renewal notices will be updated with a new message regarding address/contact and name change information. At the same time the address change box will be removed from the renewal card. The changes will start rolling out with the mid-February printing and will continue through the April 1 printing.

The changes are:

ADDRESS CHANGE

In order to serve you better, we must have your **correct mailing address** in our system. Go to www.doh.wa.gov/CIC to update your contact/address information.

NAME CHANGE

If you have a **name change**, please mail, email or fax a copy of your certified marriage certificate, divorce decree or court order showing your name change. Include your previous name, your credential number(s) and your contact information.

Commission Composition – Accepting New Commissioner Applications

The Chiropractic Commission is seeking chiropractors and public member positions. The commission is made up of 11 chiropractors and three public members all appointed by the Governor. Commissioners may serve 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.

2013 Commission Meeting Dates and Locations

March 22-24, 2013	Marriott Springhill Suites Vancouver Columbia Tech Center 1421 S.E. Tech Center Drive Vancouver, WA 98683
June 13, 2013	20425 72 nd Ave. S., Room 307 Kent, WA 98032
August 8, 2013	Point Plaza East Room 152 and 153 310 Israel Road Tumwater, WA 98501
October 10, 2013	20425 72 nd Ave. S., Room 307 Kent, WA 98032
December 12, 2013	20425 72 nd Ave. S., Room 307 Kent, WA 98032

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.