



Chiropractic Quality Assurance Commission Newsletter – 2021; 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 – David Folweiler, DC

I had hoped to write this message during a better place in the COVID-19 pandemic. Back in July, when things looked more optimistic, CQAC Executive Director Bob Nicoloff and I met in person (in masks and socially distanced) with WA Secretary of Health Umair Shah, his staff, and representatives from both the nursing and medical commissions. At that time, infection rates were decreasing and there was hope in the air that things would continue to improve. The numbers at that time pointed toward a return to normalcy and a chance to return to in-person meetings in September of 2021.

But, the wily virus uprooted those plans. The Delta variant has crushed those hopes and dreams for now.

We will continue our virtual meetings until a time when the Department of Health allows us to meet in person. I appreciate everyone's patience as we continue to meet virtually from our homes and offices.

I have been very impressed by the commission's staff and their ability to accomplish a lot of work under these circumstances. I appreciate all that they do for the commission!

I also appreciate all of the licensees who continue to provide chiropractic care during these trying times. Keep up the good work and stay safe!

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Governor

The Honorable Jay Inslee

Department of Health

Umar A. Shah, MD, MPH,
Secretary

Bob Nicoloff
Executive Director

Tammy Kelley
Deputy Executive Director

Jenny Yeam
Credentialing Lead and
Compliance Manager

Brandy Acuff
Health Services Consultant

Commission Members

David Folweiler, DC, Chair

Dana Clum, DC, Vice-Chair

Vanessa Wise, DC, Vice-Chair

Michael Bostjancic, DC

Susan Bogni, Public Member

Brian Chan, DC

Stephen Chan, DC

Dana Clum, DC

William Davis, DC

Susan Jensen, JD, Public Member

Michael Long, DC

Rebecca Taylor, DC

Jaskirat Walia, DC

Judge Julie Spector (ret.), Public
Member

Commission Member Spotlight
By: Susan Jensen, JD, Public Member

I was transplanted from the Midwest to San Francisco in time for high school, the Summer of Love and other culture shocks. I graduated in economics from UC Berkeley.

I went to work as an engineering technician in R&D for the Bechtel Corporation. One job included snakebite response duty at a geothermal energy test site in the awful Imperial Valley. The snakes, along with rampant sex discrimination and harassment, inspired me to seek a career change.

I moved to Tacoma and landed a job with the state Energy Facility Site Evaluation Council. At night, I attended law school at the University of Puget Sound. I met my husband in torts class. After admission to the Bar, I was hired as an Assistant Attorney General.

My first assignment was to the AGO Licensing Division back when the healthcare professions boards were all under DOL administration. Over time, I prosecuted before or advised most of the boards. I also defended decisions on appeal. One of my favorite projects was writing the WACs and otherwise helping to create the new board that would regulate the practice of acupuncture.

When our beautiful daughter was born without ear canals, her physicians told us that she would always be impaired and might not learn speech. The otolaryngologist on one of my client boards researched her condition and located a surgeon at the University of Texas to treat her. Remarkably, surgery resulted in normal, unaided hearing.

After a few years, I transferred divisions to represent WSDOT and develop expertise in eminent domain, public works construction and environmental law. I continued in those specialties for the rest of my career with both state and local governments. I particularly enjoyed federal court practice and got once to the SCOTUS on behalf of Pierce County. Ask me about Clarence Thomas sometime.

While not working or doing the Mom thing, I served two terms each on the Pierce County Board of Ethics and the City of Tacoma Ethics Commission. I was a founding member of the AGO Ethics Committee.

In retirement, I enjoy time with my amusing husband. I genuinely love ever-improving Tacoma and my quirky old house- built by Marcus Nalley. Remember those pickles? I also got my first dog.

I expected to do pro bono work, but had a hard time finding a good fit for my experience. Bob Nicoloff, a friend from my DOL days, mentioned a CQAC public member opening and I was lucky enough to be appointed.

The Do's and Don'ts of Practice: How to Avoid Sexual Misconduct

By: Vanessa Wise, DC

The year of 2020 was quite challenging for most of us. One of the major things we on the Chiropractic Quality Assurance Commission have seen recently is a steady uptick in sexual misconduct complaints. What might not be construed as sexual misconduct by some can be construed as sexual misconduct by others. It is therefore important to make sure one stays sensitive to a patient's personal preferences and boundaries. Staying up to date on sexual misconduct rules whether by taking CE education courses, attending seminars or researching online rules is important and up to you. Current rules are available online and can be found here <https://app.leg.wa.gov/wac/default.aspx?cite=246-808-590>. New rules will be released soon once they are no

longer under review by the Department of Health and subject to public hearing and possible further amendments prior to adoption.

A few quick Do's and Don'ts are listed below as some examples:

Do: Have a pleasing yet professional bedside manner.

Don't: Be overly complimentary, fawning or smell the patient's hair.

Do: Ask Questions concerning their health and progress under care

Don't: Ask personal questions not pertaining to their care especially involving their love and or sex life.

Do: Ask permission and get patient consent before proceeding with any and all exams, x-rays, adjustments, etc.

Don't: Fail to include the patient in the process or decision-making of what will be occurring. Any kind of actions performed on the patient can be construed as sexual misconduct and even assault and can be prosecuted as such.

Do: Allow patients to "friend" your clinic on social media platforms.

Don't: Allow friend requests on your personal social media platform pages. This can blur the line between doctor and patient.

What are some misconceptions one might have regarding sexual misconduct?

"We are in a consensual relationship, it's okay."

There is always a power differential in doctor-patient relationships, even the "consensual" ones, where the patient agrees to or even initiates the relationship.

The doctor is in a position of power over the patient (albeit sometimes unknown to them) and their decision-making capability. Therefore, the patient is not in a "consensual" relationship with their doctor.

"I like making my patients feel better about themselves and I tell them they look good or their clothes look nice, etc."

These kinds of compliments, although generally meant positively, can actually be detrimental to the patient-doctor relationship.

This kind of behavior can also be construed as "grooming" which can occur when one patient feels singled out and made to feel special by the doctor. This kind of behavior can further lead to boundary violations and even more serious sexual misconduct or assault.

As a chiropractor we are a hands-on profession and although this is generally welcomed by most patients even a look or touch can be construed as not welcome, sexual misconduct or even assault. Therefore, it is up to you to know the difference between what can be construed as sexual misconduct through education, seminars, etc.

Help to keep your patients safe by understanding and knowing how to recognize examples of sexual misconduct and avoiding it.

Veterinary Board – Chiropractic Commission Task Force

By: Robert Nicoloff, Executive Director

The Veterinary Board of Governors and the Chiropractic Quality Assurance Commission have established a task force to explore their common interest in manipulation in the treatment of animals.

The Task Force held its first meeting in October, 2020, and identified the following goals:

- Increasing understanding of the relevant history and issues, and if animal manipulation should be practiced by both professions.
- Understanding what training those who currently perform animal manipulation possess, and what training is needed.
- Exploring approaches and possible regulatory models that could benefit both professions and the public.
- Providing an opportunity for public and stakeholder comments on this important topic.

The second Task Force meeting was held in April 2021. The task force intends to meet again in the last quarter of 2021.

An email list has been established for updates on the work of the Task Force. To subscribe, create an account at this link: <https://public.govdelivery.com/accounts/WADOH/subscriber/new> and check the box next to “Animal Manipulation- Joint Task Force”.

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). 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:

Clallam County

In April 2021 the Chiropractic Commission charged chiropractor **Frank Henry Springob** (CH00001149) with unprofessional conduct. Springob allegedly, without forewarning, placed his hands into patient A’s pants and began to massage just left of her pubic bone.

King County

In March 2021 the Chiropractic Commission filed an amended statement of charges against chiropractor **Austin Daw-Lin Hsu** (CH00034771). Hsu allegedly practiced with an expired license, submitted insurance claims using the identification of a former employee instead of the employee who provided the service, and submitted insurance claims for patients he didn’t actually treat.

In April 2021 the Chiropractic Commission charged chiropractor **James Robert Carpenter** (CH00034218) with unprofessional conduct. The commission received a complaint alleging Carpenter practiced without a license and submitted claims to an insurance company. The commission asked for all patient files and an answer to the charges and Carpenter failed to provide any requested files. He also replied to the letter saying a car had crashed into his office and destroyed all his patient files.

In May 2021 the Chiropractic Commission charged chiropractor **Nathan Scott Anderson** (CH60440427) with unprofessional conduct. Anderson allegedly visited a patient at home and asked her on several occasions for some of her hydrocodone pills. The patient also allegedly saw Anderson going through her medicine cabinet on at least two occasions, noticed she was running out of her medication before the end of the month, and some of her husband's controlled substances were missing after a visit from Anderson. The chiropractor also allegedly bought a gun from the patient and only paid for part of it, and still owes the patient \$300.

In May 2021 the Chiropractic Commission charged chiropractor **John Babich** (CH00002224) with unprofessional conduct. Babich allegedly failed to provide a response in a timely manner to a health care investigator regarding five complaints made against him alleging unprofessional conduct.

In June 2021 the Chiropractic Commission indefinitely suspended the license of chiropractor **James Robert Carpenter** (CH00034218). The commission received a complaint alleging Carpenter practiced without a license and submitted claims to an insurance company. The commission asked for all patient files and an answer to the charges and Carpenter failed to provide any requested files. He also replied to the letter saying a car had crashed into his office and destroyed all his patient files.

In June 2021 the Chiropractic Commission charged chiropractor **Islamuddin Wardak** (CH00034030) with unprofessional conduct. Wardak allegedly was convicted of fourth-degree assault and two counts of violation of a court order. He was also charged with second-degree rape and felony violation of a court order in 2021. The crimes were all against the same victim.

In July 2021 the Chiropractic Commission entered an agreed order with chiropractor **Lyle Ardon Marcus-Love** (CH00033833) and placed his license on probation for two years. Marcus-Love must comply with terms and conditions.

Kitsap County

In June 2021 the Chiropractic Commission granted the release of terms and conditions for chiropractor **Paul K. Patterson** (CH00003533).

Skagit County

In May 2021 the Chiropractic Commission charged chiropractor **Steven M. Rindal** (CH00000920) with unprofessional conduct. Rindal allegedly failed to respond to two complaints made against his practice in a timely manner.

Whatcom County

In June 2021 the Chiropractic Commission and Board of Naturopathy granted the termination of probation for chiropractor and naturopathic physician **Matthew R. Tellez** (CH00033709, NT00001183).

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. 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.

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 or CQAC@doh.wa.gov

Remaining 2021 Meeting Dates

November 18, 2021

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. Who did David Folweiler, DC and Bob Nicoloff meet with in July 2021?
 - a. WA Secretary of Health Umair Shah
 - b. Governor Jay Inslee
 - c. WA Secretary of Health John Weisman
 - d. WA Department of Labor and Industries Director Joel Sacks

2. Who has the Chiropractic Commission created a joint task force with?
 - a. The Board of Physical Therapy
 - b. Acupuncture and Eastern Medicine Advisory Committee
 - c. The Board of Veterinary Examiners

3. What type of complaints is the Chiropractic Commission noticing an increase in?
 - a. Substandard X-rays
 - b. Advertising
 - c. Substandard care
 - d. Sexual misconduct

4. It is okay to have a sexual relationship with a patient as long as it is consensual and there isn't a power imbalance.
 - a. True
 - b. False

5. What was Susan Jensen's first job after her admission to the bar?
 - a. Private practice in Tacoma
 - b. Department of Health Staff Attorney
 - c. Assistant Attorney General
 - d. Pierce County Prosecuting Attorney