



WASHINGTON STATE  
**CHIROPRACTIC QUALITY ASSURANCE COMMISSION**  
**BUSINESS MEETING MINUTES**  
**January 13, 2022**

**This was a public meeting held via a webinar**

**Commission Members Present:**

David Folweiler, DC, Chair, Dana Clum, DC, Vice-Chair, Vanessa Wise, DC, Vice-Chair, Susan Jensen, Executive Committee Public Member, Susan Bogni, Public Member, Michael Bostjancic, DC, Brian Chan, DC, Stephen Chan, DC, Michael Long, DC, Judge Julie Spector (ret.), Rebecca Taylor, DC, and Jas Walia, DC. William Davis, DC did not attend.

**Staff Present:**

Bob Nicoloff, Commission Executive Director  
Tammy Kelley, Commission Deputy Executive Director  
Jenny Yeam, Commission Licensing and Compliance Manager  
Betty J. Moe, Commission Regulatory Analyst  
Christopher Gerard, Assistant Attorney General  
Marlee O'Neil, Deputy Director, Office of Legal Services

**OPEN SESSION – Thursday, January 13, 2022**

**9:00 a.m.**

**1. CALL TO ORDER – Dr. Folweiler, Chair**

**1.1** The agenda was amended to include item 10.2, a request from Agility COHE SPC to be recognized as an educational organization for the purposes of list and labels. The amended agenda was approved by the Commission.

**2. MESSAGES FROM COMMISSION LEADERSHIP - Dr. Folweiler, Chair; Dr. Clum, Vice-Chair; Dr. Wise, Vice-Chair; Ms. Jensen, Executive Committee Public Member**

**2.1** Commission members and staff participated in an ice breaker exercise to start the meeting.

**3. APPROVAL OF MEETING MINUTES**

**3.1** The November 18, 2021, Commission meeting draft minutes were approved with a correction to Judge Julie Spector's first name.

**3.2** The December 16, 2021, Commission special meeting minutes were approved as drafted.

**4. COVID-19 UPDATE - Dr. Folweiler, Chair**

**4.1** An update regarding Commission COVID-19 related activities was provided.

Dr. Folweiler shared the mandates from the Governor are still in place, this includes masking indoors, in clinics and includes the vaccine mandate for health care workers.

Ms. Kelley shared the Commission has begun receiving complaints relating to the vaccination status of certain chiropractors, and some chiropractors issuing masking exemptions to patients. The Commission also is continuing to receive complaints regarding masking in chiropractic clinics. Addressing the

significant number of complaints that the Commission has received related to COVID-19 has greatly impacted the budget, and may lead to a need to increase Commission fees.

- 4.2 Dr. Folweiler thanked Jeff Curwen, Executive Director, Washington State Chiropractic Association for his excellent video messages on the mandate requirements for chiropractors. He expressed gratitude for their partnership with the Commission, and the efforts of the Association in educating chiropractors on safe practices to protect the public and providers.

## 5. **DOH PATIENT SAFETY IMPROVEMENT TASK FORCE OVERVIEW – Dr. Folweiler, Chair and Tammy Kelley, Deputy Executive Director**

- 5.1 Dr. Folweiler discussed the goals and activities of the newly created Patient Safety Improvement (PSI) Task Force, that was created in response to the Seattle Times articles about the sexual misconduct investigations. The Task Force is developing ideas on how to increase patient safety by improving the process of investigating sexual misconduct complaints.

Ms. Kelley shared there are lot of great ideas being explored. It has been interesting to hear the different perspectives across the various boards and professions.

Ms. O’Neill shared that she has appreciated the robust group and getting ideas from those inside and outside the Department.

## 6. **ATTENDANCE AT 2022 NATIONAL ACTIVITIES AND MEETINGS**

- 6.1 The Commission discussed participation in the following activities and meetings:

- National Board of Chiropractic Examiners (NBCE) Part III and Physiotherapy Test Committees, April 1<sup>st</sup> – 2<sup>nd</sup>, Greeley, Colorado (Note: Limited participants - invitation only)
  - Members interested in attending: Dr. S. Chan
- Federation of Chiropractic Licensing Boards (FCLB) annual conference and the NBCE delegate meeting, May 5<sup>th</sup> – 8<sup>th</sup>, Denver, Colorado
  - Members interested in attending: Dr. Folweiler, Dr. Clum, Ms. Bogni, Dr. Wise, and Dr. S. Chan
- NBCE Spring Part IV Examinations, May 14<sup>th</sup> - 15<sup>th</sup>, various locations including Portland
  - Members interested in attending: Dr. Davis and Dr. S. Chan
- NBCE Parts IV Test Committee, June 10<sup>th</sup> - 11<sup>th</sup>, Greeley, Colorado (Note: Limited - invitation only)
  - Members interested in attending: Dr. Folweiler, Dr. Wise, and Dr. S. Chan
- Council on Licensure Enforcement and Regulation (CLEAR) annual conference, September 14<sup>th</sup> – 17<sup>th</sup>, Louisville, Kentucky
  - Members interested in attending: Ms. Bogni, Dr. Clum, Dr. Wise, Ms. Jensen, and Dr. Bostjansic
- FCLB District I & IV meeting, September 30<sup>th</sup> - October 1<sup>st</sup>, Incline Village, Nevada
  - Members interested in attending: Ms. Bogni, Dr. Clum, Dr. Wise, Dr. S. Chan, and Dr. Folweiler
- NBCE Fall Part IV Examinations, November 12<sup>th</sup> -13<sup>th</sup>, various locations including Portland
  - Members interested in attending: Dr. B. Chan, Dr. Davis, and Dr. S. Chan

- FCLB Providers of Approved Continuing Education (PACE), 2022 Review Team State Representative (ongoing reviews during the year)
  - Members interested in participating: Dr. S. Chan and Dr. Walia

## 7. **LEGISLATIVE UPDATE** – Susan Bogni, Dr. Wise, and Betty Moe, Regulatory Analyst

**7.1** Ms. Bogni, Dr. Wise, and Ms. Moe discussed relevant bills being proposed as part of the 2022 session of the Washington State Legislature.

Ms. Bogni shared there have been two legislative check-in meetings so far. The session this year is expected to last 60 days, with the last day of regular session on March 10<sup>th</sup>.

Ms. Moe shared that so far, we have been asked to look at roughly ten bills that could have an impact on the Commission. Of those ten bills, it appears three may have an impact.

**HB 1592-** Military Spouse Employment. The bill makes changes to chapter 18.340 RCW expediting applications for military spouse licensure by requiring each disciplining authority to:

- Ensure their expedited application processes lead to issuance of a credential with 30 days.
- Establish a direct (military) liaison to assist applicants seeking credentials (agency already has a military liaison).
- Provide training to board and commission members on the culture of military spouses, the military spouse experience, and issues related to their career paths. This would be new work.
- Maintain a military spouse web page with information specified in the bill (we already maintain a web page).

**SB 5496-** Health Professional Monitoring. The bill updates terminology in relevant provisions from “substance abuse” to “substance use disorder”. The bill also clarifies the surcharge per year on each license issuance or renewal to be collected by DOH.

The bill amends the confidentiality protections for records regarding a licensee’s referral or participation in a substance use disorder program or physician health program (program) to more specifically define what types of records are protected from disclosure. The bill also allows a program to release certain information about the licensee’s participation in the program if the licensee files suit against their employer for termination or release/revocation of their privileges. The bill also extends immunity from civil liability to licensees and students/trainees when students/trainees are served by the program.

**SB 5753** Boards & Commissions Capacity. This bill impacts the Commission by eliminating the requirement that Commission members be U.S. Citizens. For other boards and commissions, the bill increases the overall size of the board or commission, increases board or commission member reimbursement and clarifies quorum requirements, among other things.

## 8. **UPDATE REGARDING THE CHIROPRACTIC X-RAY TECHNICIAN EDUCATION SUBCOMMITTEE** – Dr. Clum, Subcommittee Chair

**8.1** Dr. Clum discussed the second meeting of the X-ray Technician Education Subcommittee regarding online and/or hybrid approaches for training chiropractic x-ray technicians.

Topics discussed have included whether the required training hours should be increased.

The Commission rules on X-ray Technician requirement are currently open for revisions. The Subcommittee next will be looking at what revisions to the rules may be helpful.

**9. RULE CHANGES UPDATE – Bob Nicoloff, Executive Director and Betty Moe, Regulatory Analyst**

**9.1** The Sexual Misconduct rule ([WAC 246-808-590](#)) hearing is expected to be scheduled for March 2022.

**9.2** The Commission reviewed the list of open rule packages. The Commission decided to focus on Rules Package 2 next, rules that address the credentialing process.

**10. CONSIDERATION OF A REQUEST FOR LICENSEE LISTS AND LABELS  
– Tammy Kelley, Deputy Executive Director**

**10.1** The Commission recognized Barczyk Biomechanics Institute as an educational association pursuant to RCW 42.56.070(8).

**10.2** The Commission recognized Agility COHE SPC as an educational association pursuant to RCW 42.56.070(8).

**11. COMMISSION NEWSLETTER AND TRAINING PLANNING - Tammy Kelley, Deputy Executive Director**

**11.1** The Commission reviewed and updated the future newsletter articles list and future training topics list.

Ms. Kelley shared that the final draft of the next newsletter will likely be reviewed by the Commission at the next meeting.

**12. STAFF REPORT – Bob Nicoloff, Executive Director, and Tammy Kelley, Deputy Executive Director**

**12.1** The following activities were discussed:

- Identifying possible revisions to the DOH-Commission Joint Operating Agreement (JOA)
- Commission strategic planning at a future meeting
- Scheduling the next Veterinary Board – Chiropractic Commission Task Force meeting

**12.2** Current projects and activities in the Commission office were discussed.

Staff will be packing up the office in the next three to four weeks for carpet replacement and some facility updates.

We will be looking to fill the Commission staff credentialing position soon.

**13. NEW BUSINESS REQUESTS – Commission Members**

**13.1** Commission members were provided the opportunity to request agenda items for future meetings. No new requests were identified.

**14. PUBLIC COMMENT**

**14.1** Members of the public had an opportunity to address the Commission.

Ms. Grassi, Executive of Legislation and Policy, Washington State Chiropractic Association (WSCA) provided an update on Association legislative activities.

Ms. Grassi thanked the Commission their compliments earlier in agenda item 4.2.

**15. CORRESPONDENCE AND REPORTS**

The following are informational items and were approved without discussion.

- 15.1 Licensee Statistical Report as of January 8, 2022.
- 15.2 [Senate Bill 5229](#) Health Equity Listening Sessions Information.
- 15.3 [Chapter 246-15 WAC](#), Whistleblower Complaints in Healthcare Settings Adoption Notice.

**16. ADJOURNMENT**

- 16.1 The meeting adjourned at 10:10 a.m.



March 10, 2022

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**Prepared By: Robert Nicoloff, Executive Director**

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**Date**



March 10, 2022

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**Approved By: David Folweiler, DC, Chair**

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**Date**