



WASHINGTON STATE
CHIROPRACTIC QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
March 10, 2022

This was a public meeting held via webinar

Commission Members:

David Folweiler, DC, Chair, Dana Clum, DC, Vice-Chair, Vanessa Wise, DC, Vice-Chair, Susan Jensen, JD, Executive Committee Public Member, Susan Bogni, Public Member, Michael Bostjancic, DC, Brian Chan, DC, Stephen Chan, DC, William Davis, DC, Michael Long, DC, Judge Julie Spector (ret.), Public Member, Rebecca Taylor, DC, and Jas Walia, DC.

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
Ashley Maxwell, Supervising Staff Attorney

OPEN SESSION – Thursday, March 10, 2022

1. CALL TO ORDER – Dr. Folweiler, Chair 9:00 a.m.

1.1 The agenda was approved as written.

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

Dr. Folweiler thanked everyone for attending the meeting virtually. Dr. Folweiler also thanked licensed chiropractors for all the care they provide to patients in Washington, and for continuing to utilize the COVID precautions in their clinics. He reminded everyone in attendance that the mask and vaccine mandates are still in place.

Dr. Clum, echoed Dr. Folweiler's sentiments, thanking everyone involved.

Dr. Wise extended thanks to the staff for all their hard work.

3. APPROVAL OF MEETING MINUTES

3.1 The January 13, 2022 Commission meeting minutes were approved as drafted.

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

- 4.1** Dr. Folweiler reiterated the mask and vaccine mandates continue to be enforced for health care facilities including chiropractic offices, and to please continue to follow the mandates. He is looking forward to meeting in person sometime later this year.
- 4.2** The Commission members reviewed their COVID-19 Guidance Document for proposed updates.

The Commission members felt it was important to reinforce the message that masking is required in chiropractic clinics even after March 12th and the vaccine mandate was still in place. The document was approved by the Commission for reposting on the website.

- 4.3** The Commission members discussed the [Commission's COVID-19 and Continuing Education \(CE\) for Chiropractors Policy Statement](#). Staff have been receiving questions relating to how the policy will be applied when the Governor issues a proclamation declaring the termination of the state of emergency.

The Commission determined when they get to a point of withdrawing this current policy statement, they would issue a second policy statement detailing how the Commission intends to enforce the CE requirements going forward.

For now, if the CE is completed prior to the rescinding of the proclamation declaring the termination of the state of emergency, it will be accepted by the Commission.

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

- 5.1** Dr. Folweiler and Ms. Kelley discussed recent activities of the DOH Patient Safety Improvement (PSI) Task Force. The PSI Task Force is to the point of making recommendations focused on reducing timelines in sexual misconduct cases and the best ways to expedite the process.

The recommendations focus on several different key elements to assist in expediting cases. Each recommendation includes action steps to help achieve the recommendation. The Commission members discussed the recommendations and potential obstacles.

At this point, this is a recommendation going to senior management. Procedurally, senior management will come back with direction or additional decisions.

Ms. Kelley emphasized; public comment is being accepted through March 16, 2022.

6. UPDATE ON 2022 NATIONAL ACTIVITIES AND MEETINGS

6.1 The Commission discussed the following activities and meetings:

- Council on Licensure Enforcement and Regulation (CLEAR) Webinar:
Doctors, Patients, Sex and Chaperones: Rethinking Medical Regulation
January 28th
 - Members attending: Ms. Bogni, Dr. Clum, Dr. Folweiler, Ms. Jensen, and Dr. Wise
 - Ms. Bogni shared that the CLEAR website has podcasts and webinar notes that can be viewed. They are very informative and closely related to the work of the Commission.
- Council on Licensure Enforcement and Regulation (CLEAR) Course:
Investigating Reports of Sexual Misconduct, March 11th, March 15th, and March 17th
 - Members registered: Ms. Jensen, and Dr. Wise
- National Board of Chiropractic Examiners (NBCE) Part III and Physiotherapy Test Committees,
April 1st – 2nd, 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 5th – 8th, Denver, Colorado
 - Members interested in attending: Dr. Folweiler, Dr. Clum, Ms. Bogni, Dr. Wise, and Dr. Davis
- NBCE Spring Part IV Examinations, May 14th - 15th, various locations including Portland
 - Members interested in attending: Dr. Davis and Dr. S. Chan
- NBCE Parts IV Test Committee, June 10th - 11th, 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 14th – 17th, Louisville, Kentucky
 - Members interested in attending: Ms. Bogni, Dr. Clum, Dr. Wise, Ms. Jensen, and Dr. Bostjancic
- FCLB District I & IV meeting, September 30th - October 1st, 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 12th -13th, various locations including Portland
 - Members interested in attending: Dr. B. Chan, Dr. Davis, and Dr. S. Chan

7. LEGISLATIVE UPDATE – Susan Bogni, Public Member, Dr. Wise, Commission Member and Betty Moe, Regulatory Analyst

7.1 Ms. Bogni, Dr. Wise, and Ms. Moe provided an update regarding relevant bills being considered in the 2022 session of the Washington State Legislature.

Ms. Moe provided an overview of the following bills:

- SB 5496 – Health professions monitoring programs
- SB 5753 – Increasing board and Commission capacity
- HB 1874 – Reducing license barriers for those with previous arrests
- HB 1688 – Out of network charges
- HB 1821 – Audio only telemedicine

ESSB 5229 Health Inequities from 2021 sets minimum standards for health equity continuing education programs for health care professionals. Rules workshops are scheduled for various dates during March 7th -April 4th. The Commission will need to look at beginning the rules process in the Winter of 2022.

Ms. Bogni and Dr. Wise stated that the format of the weekly bill review changed this year, resulting in quicker meetings.

Ms. Grassi, Executive of Legislation and Policy, Washington State Chiropractic Association provided an additional legislative update.

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

8.1 Dr. Clum shared the ongoing work of the sub-committee. The sub-committee reviewed three other states when making our proposed amendments North Carolina, Oregon, and Florida.

Dr. Clum presented the sub-committee recommendations which include:

- Increasing the number of hours to not less than seventy-two hours, thirty of which must be in-person learning.
- Add definitions to include:
 - **Classroom:** fifty consecutive minutes of uninterrupted instruction.
 - **In-person** learning is any form of instructional interaction that occurs in person and in real time between teachers and students.
- Remove the requirement that the course require physiology.
- Remove the requirement that the course instructor has on-campus or postgraduate faculty status in the field of radiology with a Commission approved chiropractic college, and instead requiring the submission of a current curriculum vitae (CV) for Commission review.

Ms. Moe presented the concepts of the rule the Commission previously worked on for additional proposed amendments.

The Commission discussed increasing the number of hours of the course would also increase the cost, which could create a financial burden for some providers. The Commission members also discussed needing more criteria in rule for course instructors, than solely a CV.

The Executive Committee will do additional work on the rule language incorporating the previous concepts and the concepts of the sub-committee and bring the draft language back for Commission review.

Mr. Nicoloff shared rules comments can always be taken during meetings. Between meetings comments can be sent to Betty Moe at Betty.Moe@doh.wa.gov

9. RULE CHANGES UPDATE

– Bob Nicoloff, Executive Director and Betty Moe, Regulatory Analyst

9.1 Questions and suggestions from DOH regarding the proposed changes to the Commission’s Sexual misconduct rule ([WAC 246-808-590](#)) were discussed.

The Commission reviewed the comments from the Agency Rule Reviewer and made amendments to the rule as necessary.

The Commission moved to approve the CR102 for this rule package. A rules hearing will hopefully be incorporated as part of the May meeting.

9.2 The Commission will start looking at package #2 for proposed amendments at the May meeting.

10. CONSIDERATION OF A REQUEST FOR LICENSEE LISTS AND LABELS

– Tammy Kelley, Deputy Executive Director

10.1 The Commission recognized Motion Palpation Institute 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.

12. REVISIONS TO THE CQAC-DOH JOINT OPERATING AGREEMENT

– Bob Nicoloff, Executive Director

12.1 Mr. Nicoloff shared the Executive Committee and Mr. Gerard were able to meet and review the Joint Operating Agreement (JOA) in detail. As part of the review we:

- Identified that it needs to be updated.
- Reviewed some service and relationship issues. The main area of concerns being the rules and contracting processes timelines.

There are some informal approaches to look at, and some other ideas we are going to pursue before looking at re-opening the JOA.

Mr. Nicoloff will be talking to the other Independent Commissions about their current agreements and similar concepts.

13. STAFF REPORT – Tammy Kelley, Deputy Executive Director

13.1 Ms. Kelley shared the recruitment for the vacant credentialing position has closed. We are scheduling interviews for the end of April and the first part of May.

Our COVID case load appears to be decreasing, which allows us to get rid of any backlog.

Next week, staff will no longer have to wear a mask in the building. Staff may soon be able to come to the office more frequently but won't come back until given 60 days' notice from the agency.

We are waiting for more information from the Department of Health about holding open public meetings. We also want to learn about the experience of other boards holding meetings with dual media (in-person and online).

Ms. Moe presented a travel requirement overview for members.

14. VETERINARY BOARD – CHIROPRACTIC COMMISSION TASK FORCE UPDATE
- Bob Nicoloff, Executive Director, Dr. Matt Waldron, Pro Tempore Member, Christopher Gerard, Assistant Attorney General

14.1 Dr. Matt Waldron, Pro-Tempore Member joined to discuss requesting the Veterinary Board of Governors (VBOG) adopt an interpretative statement to acknowledge that in the State of Washington a chiropractor can work under the veterinarian's supervision as an unregistered assistant to provide chiropractic care to animals.

Mr. Gerard provided an overview for those not familiar with the topic.

The Commission moved and approved sending the memo to the VBOG. Dr. Long and Dr. Clum abstained.

15. NEW BUSINESS REQUESTS – Commission Members

15.1 Commission members did not request any agenda items for future meetings.

16. PUBLIC COMMENT

16.1 There were no additional comments from the public.

17. CORRESPONDENCE AND REPORTS

The following are informational items. The Commission acknowledged receipt of the items by a single motion without discussion.

17.1 Licensee Statistical Report as of March 1, 2022

17.2 Council on Chiropractic Education (CCE) Accreditation Actions Announcement

18. ADJOURNMENT

18.1 The meeting adjourned at 12:49 pm.



May 12, 2022

Prepared By: Robert Nicoloff, Executive Director

Date



May 12, 2022

Approved By: David Folweiler, DC, Chair

Date