



WASHINGTON STATE
CHIROPRACTIC QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
May 12, 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, Jas Walia, DC, and Benjamin Zepeda, DC. Judge Julie Spector (ret.), Public Member, was unable to 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
Michael Cerkan, Commission Credentialing Specialist
Christopher Gerard, Assistant Attorney General
Anthony Partridge, Department of Health, Policy Analyst

OPEN SESSION – Thursday, May 12, 2022

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

1.1 The agenda was approved without changes or additions.

2. EXECUTIVE SESSION

2.1 The Commission met in executive session to discuss with legal counsel representing the Commission agency litigation or potential litigation to which the Commission is likely to become a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the Commission pursuant to [RCW 42.30.110\(1\)\(i\)](#). The discussion was about the registration of Chiropractic X-Ray Technicians. The executive session began at approximately 9:05 a.m. and ended at 9:25 a.m.

3. INTRODUCTIONS

- 3.1** Newly appointed Commission member Dr. Benjamin Zepeda introduced himself.
- 3.2** Anthony Partridge, Department of Health, Policy Analyst introduced himself.

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

4.1 Dr. Folweiler shared the mission of the Commission. He thanked everyone for the privilege of being chair. He stated that it has been an honor and privilege to be chair for the past three years.

Ms. Jensen indicated that she had recently participated on panels reviewing sexual misconduct cases, and also attended a Council on Licensure, Enforcement, and Regulation (CLEAR) training on investigating sexual misconduct cases. She is proud of the Commission for their evolution over time, specifically regarding how sexual misconduct cases are handled. She also stated that it is a momentous occasion that the Commission is having a rule hearing on our sexual misconduct rules today. She thanked everyone for their hard work on the rules.

Dr. Wise thanked the staff who work tirelessly and make everything look effortless, when it cannot be that easy. She stated that Commission successes are a result of its amazing staff, and thanked staff for everything they do.

Dr. Clum agreed with Dr. Wise and thanked Dr. Folweiler for his leadership.

5. APPROVAL OF MEETING MINUTES

5.1 The March 10, 2022 Commission meeting minutes were approved as drafted.

6. COVID-19 UPDATE - Dr. Folweiler, Chair, and Tammy Kelley, Deputy Executive Director

6.1 Dr. Folweiler reminded everyone that the masking and vaccine mandates are still in place. Ms. Kelley stated the number of COVID related complaints regarding chiropractors has drastically dropped over the last few months.

7. RULES HEARING

10:00 a.m.

7.1 The rules hearing on amending professional boundary and sexual misconduct rules ([WAC 246-808-590](#)) commenced at 10:00 am. The Commission did not receive any public comments regarding the rules.

The Commission made four edits to the rules, changing a few words and correcting typographical errors.

The Commission moved to adopt the proposed rules. The motion passed unanimously by the members.

8. UPDATE ON 2022 NATIONAL ACTIVITIES AND MEETINGS

8.1 The Commission discussed the following activities and meetings:

- Council on Licensure Enforcement and Regulation (CLEAR) Course: Investigating Reports of Sexual Misconduct, March 11th, March 15th, and March 17th
 - Members who attended: Ms. Jensen, and Dr. Wise
 - Ms. Jensen and Dr. Wise provided information from the training.
- Federation of Chiropractic Licensing Boards (FCLB) annual conference and the NBCE delegate meeting, May 5th – 8th, Denver, Colorado
 - Members and staff who attended: Dr. Folweiler, Dr. Clum, Dr. Wise, Dr. Davis, Susan Bogni and Tammy Kelley
 - Commission members and staff who attended shared information from the conference.
- NBCE Spring Part IV Examinations, May 14th - 15th, various locations including Portland
 - Members participating: Dr. Davis and Dr. S. Chan
- NBCE Parts IV Test Committee, June 10th - 11th, Greeley, Colorado
 - Members participating: Dr. Folweiler
- Council on Licensure Enforcement and Regulation (CLEAR) annual conference, September 14th – 17th, Louisville, Kentucky
 - Members interested in attending: Ms. Bogni, Dr. Wise, Ms. Jensen, Dr. Bostjansic, Dr. B. Chan, Dr. S. Chan, and Dr. Walia
- 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

9. OPEN PUBLIC MEETING LEGISLATION – Christopher Gerard, Assistant Attorney General

9.1 Mr. Gerard discussed the Open Public Meetings Act (OPMA) and changes recent changes to this law with the passage of ESHB 1329. Mr. Gerard shared that the bill includes several changes, many of which the Commission is already doing.

Based on an AGO opinion in 2017, the OPMA has been construed to require that regular and special meetings of the Commission have a physical location to enable those attending to hear public discussions. This can be as minimal as a speaker phone where a member of the public can sit in a room and participate in the meeting through a speaker phone.

The [Proclamation 20-28](#) waived provisions of OPMA that required regular or special meetings to occur in a physical location, recognizing risks associated with the pandemic. This proclamation has allowed the Commission to meet virtually during the last two years. This proclamation will be rescinded on June 1, 2022.

ESHB 1329 allows a fully remote meeting if a state of emergency has been declared and the Commission determines that a meeting cannot be held with reasonable safety because of the emergency.

If the Commission desires to consider holding a fully remote meetings after the termination of the proclamation, the Commission will need to discuss the new provisions in the statute and pass a motion that a fully remote meeting is necessary because an in-person meeting cannot be held with reasonable safety.

The Commission discussed how to meet for the July meeting.

Commission members approved a motion to have a special meeting as soon as possible after receiving additional guidance from the Department of Health regarding in-person meetings.

10. RULES UPDATE – Bob Nicoloff, Executive Director and Betty Moe, Regulatory Analyst

10.1 The Commission discussed working next through Rules Package 2 on credentialing requirements. The Executive Committee will review and draft possible changes to these rules, and recommended changes will be considered by the Commission at a future meeting.

The Commission also approved a motion that the Executive Committee also begin working on Rules Package Four.

11. BUDGET AND FINANCIAL OVERVIEW – Bob Nicoloff, Executive Director and Betty Moe, Regulatory Analyst

11.1 Mr. Nicoloff provided an update on the Commission budget and finances.

12. COMMISSION NEWSLETTER AND TRAINING PLANNING – Tammy Kelley, Deputy Executive Director

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

13. STAFF REPORT – Tammy Kelley, Deputy Executive Director

13.1 Ms. Kelley introduced Michael Cerkan, Health Services Consultant 1, Credentialing Specialist.

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

14.1 The recent Veterinary Board – Chiropractic Commission Task Force meeting was discussed. A possible approach that would allow chiropractors adjusting animals has been identified. Representatives of the Commission will be attending a future meeting of the Veterinarian Board of Governors (VGOB) to discuss a possible resolution to this issue. Mr. Nicoloff shared proposed changes to a draft memo from the Commission to the VBOB. A motion to approve the changes passed unanimously by the members.

15. LEADERSHIP NOMINATIONS

15.1 Commission members were provided an opportunity to nominate members for leadership positions for the one-year term beginning in July 2022.

Dr. Clum was nominated for the Commission Chair position.

Dr. Wise, Ms. Jensen, and Dr. Bostjancic were nominated for the two Commission Vice-Chair positions.

Ms. Bogni was nominated for the Public Member position on the Commission Executive Committee.

An additional opportunity to nominate members will be provided at the July meeting.

16. NEW BUSINESS REQUESTS – Commission Members

16.1 Commission requested agenda items for future meetings.

Ms. Bogni stated that at the recent FCLB conference there was a discussion about the Ethics and Boundary Assessment Services (EBAS). The EBAS is utilized often as a required disciplinary in Commission cases. She suggested that an overview regarding the EBAS be presented at a future Commission meeting.

17. PUBLIC COMMENT

17.1 Members of the public had an opportunity to address the Commission.

Lori Grassi, Executive of Legislation and Policy, Washington State Chiropractic Association, informed the Commission that their annual conference this year will be held at four different locations, each with a different keynote speaker.

18. CORRESPONDENCE AND REPORTS

The Commission acknowledged receipt of the following items without discussion.

18.1 Licensee Statistical Report as of May 6, 2022.

18.2 Public Service Recognition Week email to staff.

19. ADJOURNMENT

19.1 The meeting adjourned at 11:32 am.



Prepared By: Robert Nicoloff, Executive Director

July 14, 2022

Date



Approved By: David Folweiler, DC, Chair

July 14, 2022

Date