



WASHINGTON STATE
CHIROPRACTIC QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
July 14, 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, Michael Long, DC, Judge Julie Spector (ret.), Public Member, Jas Walia, DC, and Benjamin Zepeda, DC
William Davis, DC was not present.

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
Sierra McWilliams, Assistant Attorney General
Anthony Partridge, Department of Health, Policy Analyst
Sherly Hilt, Department of Health, Budget Analyst

OPEN SESSION – Thursday, July 14, 2022

1. CALL TO ORDER – Dr. Folweiler, Chair 9:01 a.m.

1.1 The agenda was approved as drafted.

2. INTRODUCTIONS

2.1 Sierra McWilliams, Assistant Attorney General, introduced herself. She was filling in for Assistant Attorney General Christopher Gerard.

2.2 Sheryl Hilt, Department of Health, Budget Analyst introduced herself.

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

3.1 Commission leadership had the opportunity to provide comments.

Dr. Folweiler expressed that it has been an honor and privilege to serve as the Chair and Vice-Chair. Even though his second term as a commission member expired June 30, 2022, he will continue to serve until a new member is appointed to replace him.

Dr. Clum thanked Dr. Folweiler for his years of service, expressing appreciation for his vast array of knowledge and experience. Dr. Clum shared that she really enjoys serving on the Commission and is thankful for everyone, staff and other Commission members that make what we do possible.

Dr. Wise echoed Dr. Clum's sentiment for Dr. Folweiler and expressed appreciation for the tireless number of hours Dr. Folweiler has spent on the work of the Commission. Dr. Wise thanked the Commission staff who seem to never sleep.

Ms. Jensen thanked Dr. Folweiler and acknowledged she would likely be terming off the Executive Committee. She said that it has been a privilege to learn and share. She continues to be impressed in the sheer amount of time members are willing to take away from their practices to devote to the profession.

Mr. Nicoloff presented Dr. Folweiler with a letter expressing gratitude and appreciation for his exemplary leadership and significant accomplishments as Chair and Vice-Chair of the Chiropractic Quality Assurance Commission during the last five years. The letter states "As we carry on with our work of protecting the public through the promotion of quality chiropractic health care, your fellow Commission Members and the Commission Staff want to thank you for your extraordinary service and contributions to the citizens of Washington and the chiropractic profession." The letter was signed by all the Commission members and Commission staff.

4. APPROVAL OF MEETING MINUTES

4.1 The draft May 12, 2022 meeting minutes were approved as submitted.

4.2 The draft May 26, 2022 special meeting minutes were approved as submitted.

5. ADDITIONAL COMMISSION LEADERSHIP NOMINATIONS

5.1 At the May 12, 2022 meeting, members were nominated for leadership positions for the one-year term beginning July 14, 2022. Nominations included:

- Dr. Clum for Chair
- Dr. Wise, Dr. Bostjancic, and Ms. Jensen for the two Vice-Chair positions
- Ms. Bogni for the Public Member

Before holding the elections, Commission members had an additional opportunity to nominate members for leadership positions. There were no additional nominations for the leadership positions.

Ms. Jensen withdrew her name for consideration for the Vice-Chair position.

6. COMMISSION ELECTIONS

6.1 Because each leadership position had only one nominee, there was a motion to accept the slate of nominees for leadership. All members voted in favor; no members abstained or opposed.

- Dr. Dana Clum was elected Chair
- Dr. Vanessa Wise and Dr. Michael Bostjancic were elected Vice-Chair.
- Ms. Susan Bogni was elected to the Executive Committee Public Member position.

In accordance with the Commission bylaws, elected members will assume leadership positions after today's meeting.

7. ETHICS AND BOUNDARIES ASSESSMENT SERVICES (EBAS) OVERVIEW - Stacey Kjeldgaard, Executive Director, EBAS

7.1 The goals and activities of EBAS were presented to the Commission.

8. UPDATE ON 2022 NATIONAL ACTIVITIES AND MEETINGS

8.1 The Commission discussed the following activities and meetings:

- National Board of Chiropractic Examiners (NBCE) Spring Part IV Examinations, May 14th - 15th, various locations including Portland
 - Members participated: Dr. Davis and Dr. S. Chan
 - Dr. S. Chan said that he thought it was a good experience, especially for reviewing cases and considering minimum standards. It was also a good reminder of how inexperienced chiropractors are while awaiting graduation.
- Council on Licensure Enforcement and Regulation (CLEAR) May 16th podcast on: “Regulating Licensees’ Use of Social Media”
 - Members attended: Dr. Wise
 - The training went over social media policies and guidelines.
 - Anyone can listen to past podcasts on app call Pod Bean; you can pick and choose different podcasts based on what you are looking for. The podcasts include some of the most respected professionals in the world.
- NBCE Part IV Test Committee, June 10th - 11th, Greeley, Colorado
 - Members participated: Dr. Folweiler
 - There was a day and a half of work in creating a new version of the examination. X-rays are being moved from the Part IV examination to the Part III examination. The Committee got through all the x-ray scenarios and determined what minimum competency should be for the x-ray portion of the examination.
- Council on Licensure Enforcement and Regulation (CLEAR) annual conference, September 14th – 17th, Louisville, Kentucky
 - Members interested in attending: Ms. Bogni, Ms. Jensen, Dr. Bostjancic, Dr. S. Chan, and Ms. Kelley
- 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, Dr. Folweiler, Mr. Nicoloff, and Ms. Kelley
- 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. DISCUSSION REGARDING THE FEDERATION OF STATE LICENSING BOARDS (FCLB) AND THE NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE)– Dr. Folweiler

- 9.1** Dr. Folweiler discussed current issues at the FCLB and NBCE. Dr. Folweiler provided some background information, as some Commission members may not be familiar with either organization. NBCE is the organization that administers testing for students to become licensed chiropractors. The FCLB is an association of the various state chiropractic regulating bodies. The chair and vice-chair of the FCLB serve on the NBCE board.
- 9.2** The Commission discussed a letter from past NBCE officers requesting that Dr. Folweiler sign a petition that would be presented to the NBCE. The petition requested that a special meeting of NBCE delegates be held for the purpose of addressing the potential impact on the NBCE and options related to a U.S. District Court lawsuit alleging racial discrimination by the FCLB.

The Commission passed a motion to sign the petition. No members opposed or abstained.

10. REQUIREMENTS FOR LICENSURE BY ENDORSEMENT IN WASHINGTON

– Betty Moe, Regulatory Analyst

10.1 [RCW 18.25.040](#) authorizes the Commission to grant “licensure by endorsement” to individuals to practice chiropractic if the Commission determines that the applicant is currently licensed and has met requirements in another state, territory of the United States, the District of Columbia, Puerto Rico, or province of Canada having substantially equivalent requirements to those required in Washington. The Commission discussed whether to consider continuing education (CE) requirements of the applicant’s current state in determining if that state’s requirements are equivalent to Washington.

The Commission passed a motion that CE should not be included in the substantial equivalency review determination. No members opposed or abstained.

11. CONSIDERATION OF A REQUEST FOR LICENSEE LISTS AND LABELS

– Tammy Kelley, Deputy Executive Director

11.1 The Commission reviewed a request from Skagit County Public Health for a list of chiropractors to share information regarding communicable diseases in the County. Normally, the Commission determines if a requester meets the criteria to obtain a list as an association or a continuing education provider. Skagit County Public Health is neither an association nor a continuing education provider. Consequently, the Department of Health Record Disclosure Office is the appropriate organization to address the request. The Commission passed a motion to forward the request to that office.

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.

12.2 The Commission was presented with the following draft articles for consideration:

- Corporate Practices
- Being A Public Member
- Highlights of the FCLB and NBCE Meetings

The Commission discussed possible future articles:

- Social Media – Dr. Wise
- Practice Tips – Dr. Long
- Professional boundaries and sexual misconduct – Dr. Wise

Future training topics were identified:

- At the September 8, 2022 meeting a “Chiropractor Basics 101” presentation will provide an overview of chiropractic practice for public members and staff.
- Possible sexual misconduct case training to be provided by an organization called RAINN (Rape, Abuse & Incest National Network) was discussed. The Commission asked staff to contact RAINN for the following information:
 1. Can their training cover other relevant topics in addition to the investigative process?
 2. What is the length of their course?
 3. Could they provide a sample course outline to the Commission?

**13. UPDATING THE STAFF SIGNATURE AUTHORITY DELEGATION POLICY
– Bob Nicoloff, Executive Director and Betty Moe, Regulatory Analyst**

- 13.1** The Commission considered updates to this policy that identifies the various categories of administrative processes that can be approved by staff.

The Commission passed a motion to approve the updates to the policy.

**14. STAFF REPORT – Bob Nicoloff, Executive Director, Betty Moe, Regulatory Analyst,
and Tammy Kelley, Deputy Executive Director**

- 14.1** Mr. Nicoloff has forwarded the Commission memorandum to the Veterinary Board of Governors regarding chiropractors working with veterinarians in providing animal adjustments. The memorandum will be considered by the Board at its meeting on September 12, 2022. Pro Tem Member Dr. Waldron, Mr. Nicoloff, and Ms. Kelley will be attending.
- 14.2** Ms. Moe shared an update on Rule Package 2 related to the credentialing requirements. The Rules Committee has been working through draft language and hopes to bring the draft to the full Commission for review by the beginning of 2023.
- 14.3** Ms. Kelley shared DOH Guidance Regarding Traveling for Business and COVID.
- 14.4** Other current projects and activities in the Commission office were discussed.
- Staff Member Michael Cerkan is working full time in the Commission office. Mr. Cerkan is responsible for processing mail, scanning documents, and other administrative duties.
 - Other staff go into the office as needed.
 - The DOH Customer Service desk in the lobby of our building is open for limited services, such as receiving documents and payments for license renewals.
 - At this time, DOH has committed to allowing staff 60 days' notice before being required to return to the office, if their position responsibilities involve work in the office. Staff who can complete duties from home can continue to do so.
 - DOH Buildings are not currently open to the public for meetings.
 - Staff continue working to bring the workload current. It has been a challenge after having a vacant position for the past few months.

**15. PLANNING FOR THE SEPTEMBER 8, 2022 COMMISSION MEETING
– Commission Members**

- 15.1** Commission members discussed and determined plans for the September 8, 2022 Commission meeting. The Commission agreed to conduct the September meeting virtually because it cannot be held with reasonable safety in person.

16. NEW BUSINESS REQUESTS – Commission Members

- 16.1** The Commission requested that an agenda item be added to each meeting to determine if the next meeting will be held in person or virtually.

17. PUBLIC COMMENT

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

Ms. Lori Grassi, Executive of Legislation and Policy, Washington State Chiropractic Association (WSCA), expressed thanks for providing the EBAS overview at this meeting. WSCA is starting to get calls related to the Health Equity Continuing Education rule-making requirements that will be taking effect in 2024. The Association is also continuing recruitment efforts to identify potential future members for the Chiropractic Quality Assurance Commission.

Dr. Lisa Kouzes, Federation of Chiropractic Licensing Board District 1 Director – was not able to join during item 9. Dr. Kouzes wanted to check in to see if there were any questions regarding the FCLB. Dr. Folweiler shared that the Commission decided to sign the petition to the NBCE.

18. CORRESPONDENCE AND REPORTS

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

18.1 Licensee Statistical Report as of July 6, 2022

18.2 Council on Chiropractic Education (CCE) Elections Announcement

18.3 FCLB Letter to Governor Inslee regarding CQAC members attending conference

18.4 Final Adopted Commission Rules on Professional Boundaries and Sexual Misconduct

19. ADJOURNMENT

19.1 The meeting adjourned at 11:10 a.m.



Prepared By: Robert Nicoloff, Executive Director

September 8, 2022

Date



Approved By: Dana Clum, DC. Chair

September 8, 2022

Date