



WASHINGTON STATE
CHIROPRACTIC QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
September 8, 2022 – 9:00 a.m.

This was a public meeting held via webinar

Commission Members:

Dana Clum, DC, Chair, Michael Bostjancic, DC, Vice-Chair, Vanessa Wise, DC, Vice-Chair, Susan Bogni, Executive Committee Public Member, David Folweiler, DC, Immediate Past Chair, Brian Chan, DC, Stephen Chan, DC, William Davis, DC, Michael Long, DC, Susan Jensen, JD, Public Member, Judge Julie Spector (ret.), Public Member, Jas Walia, DC, and Benjamin Zepeda, 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
Michael Cerkan, Credentialing Specialist
Christopher Gerard, Assistant Attorney General
Anthony Partridge, Department of Health, Policy Analyst
Stephanie Vaughn, HSQA Regulatory Affairs Manager

OPEN SESSION – September 8, 2022

- 1. CALL TO ORDER – Dr. Clum, Chair** **9:00 a.m.**
 - 1.1 The draft agenda was approved as submitted.
- 2. MESSAGES FROM COMMISSION LEADERSHIP - Dr. Clum, Chair; Dr. Bostjancic, Vice-Chair; Dr. Wise, Vice-Chair; Ms. Bogni, Executive Committee Public Member; and David Folweiler, DC, Immediate Past Chair**
 - 2.1 Dr. Clum indicated that it is both exciting and nerve-racking moving into the Chair position, especially following Dr. Folweiler’s outstanding chairmanship. Dr. Clum also shared that she enjoys her time on the Commission, working with fellow members, and amazing staff.
- 3. APPROVAL OF MEETING MINUTES – Dr. Clum, Chair**
 - 3.1 The draft July 14, 2022 meeting minutes were approved as submitted.

4. UPDATE ON GOVERNOR INSLEE'S COVID PROCLAMATIONS - Christopher Gerard, Assistant Attorney General

4.1 Mr. Gerard discussed the proclamations being rescinded by Governor Inslee effective October 31, 2022, and possible impacts on the Commission. As a result, the Commission discussed and made the following decisions regarding changes to Commission's COVID-19 Guidance Document and policies.

- [Commission COVID-19 Guidance Document](#)

The Commission passed a motion to:

- Remove the summary of information contained in [Proclamation 24.3](#)
- Update information pertaining to the Secretary of Health Mask Order
- Add a summary of the Governor's Proclamation 20-05, entitled [Washington Ready](#)
- [Temporary Commission Policy Statement On COVID-19 and Continuing Education \(CE\) Requirements for Chiropractors](#)

The Commission discussed possibly adopting a new policy statement to replace the current one, clarifying the Commission's position related to the CE requirements.

The Commission decided to keep the policy statement as written and consider changes at a later time.

- [Chiropractic X-ray Technicians and Classroom Hours Policy Statement](#)

The Commission discussed possibly rescinding the policy but decided to keep the policy as written and to consider changes at a later time.

5. UPDATE ON 2022 NATIONAL ACTIVITIES AND MEETINGS – Dr. Clum, Chair

5.1 The Commission discussed the following activities and meetings:

- National Board of Chiropractic Examiners (NBCE) Special Meeting of Delegates, Virtual, August 13th
 - Members participating: Dr. Clum
 - Dr. Clum discussed the special meeting of state delegates held regarding recent NBCE board decisions and the resignations of some NBCE board members related to a lawsuit. At the meeting the NBCE attorney reviewed in detail all of the relevant procedures followed by the Board, and how the processes were consistent with corporate requirements in Texas.
- FCLB District Pre-Meeting, Virtual, September 7th
 - Members and staff participating: Ms. Bogni, Dr. Folweiler, Ms. Moe, Ms. Kelley, and Mr. Nicoloff
 - Members and staff provided an overview of possible topics to be discussed at the district meeting.

- Council on Licensure Enforcement and Regulation (CLEAR) annual conference, Louisville, Kentucky, September 14th – 17th
 - Members planning to attend: Ms. Bogni and Dr. S. Chan
- FCLB District I & IV meeting, Incline Village, Nevada, September 30th - October 1st
 - Members and staff planning to attend: Ms. Bogni, Dr. Clum, Dr. S. Chan, Dr. Folweiler, Dr. Wise, Dr. Zepeda, Ms. Kelley, and Mr. Nicoloff
- NBCE Fall Part IV Examinations, various locations including Portland, November 12th -13th
 - Members planning to attend: Dr. B. Chan, and Dr. S. Chan

6. HEALTH EQUITY CONTINUING EDUCATION RULES DEVELOPMENT

- Ashley Bell, DOH Behavioral Health Programs Coordinator

Betty Moe, Commission Regulatory Analyst

6.1 Ms. Bell was not able to join the meeting. Stephanie Vaughn, HSQA Regulatory Affairs Manager attended in Ms. Bell’s place. Ms. Vaughn provided a status report on rulemaking to implement [Engrossed Substitute Senate Bill \(ESSB\) 5229](#) that requires licensees to complete health equity continuing education (CE).

6.2 The Commission discussed initiating the Health Equity CE rules process.

The Commission motioned to file a CR101 on WAC 246-808-150 in a broad enough fashion to consider online education as well as the Health Equity requirements. All Commission members approved.

The Commission will evaluate the best plan of action to incorporate this requirement into WAC 246-808-215 for Chiropractic X-ray technicians and present the plan at the November meeting.

7. DOH PATIENT SAFETY IMPROVEMENT TASK FORCE FINAL REPORT

– Dr. Folweiler and Tammy Kelley, Deputy Executive Director

7.1 Dr. Folweiler and Ms. Kelley discussed the final report and recommendations of the DOH Patient Safety Improvement (PSI) Task Force.

Ms. Kelley shared that the report was finalized and includes several different recommendations. Some are currently being implemented by the department. Some are underway. Others include ideas for proposed legislative changes. Staffing and procedural changes are being looked at to expedite these types of cases.

Dr. Folweiler expressed there were a lot of suggestions related to shortening timelines to ensure sexual misconduct cases are handled quickly with the necessary resources to discipline providers and protect the public.

8. CHIROPRACTIC 101– Dr. Clum, Dr. B. Chan, and Dr. Long

8.1 Dr. Clum, Dr. B. Chan, and Dr. Long provided an overview of the chiropractic profession for the Commission public members and staff.

9. RULES DISCUSSION AND UPDATE – Betty Moe, Regulatory Analyst

9.1 Ms. Moe discussed the status of rule change packages in process.

- Ms. Moe asked the Commission to keep the current package related to the credentialing functions open (WSR 16-23-120).
- Ms. Moe shared the Commission had previously approved work on package 4 (WSR-16-23-106), this package however was closed, when the CR103 was filled on WAC 246-808-590 Professional boundaries and sexual misconduct. Since, this was closed Ms. Moe asked to begin work on package 5 (WSR 16-23-120).
- Ms. Moe asked to close WSR 15-21-047 related to Independent Chiropractic Examinations (ICE) until a time, when the Commission can be focused on this specific package.
- Ms. Moe asked to close an old package, that covered the entire chapter (WSR 15-09-027).

The Commission moved to adopt recommendations from Ms. Moe. No members opposed or abstained.

10. BUDGET AND FINANCIAL OVERVIEW– Betty Moe, Regulatory Analyst

10.1 Ms. Moe provided an overview of the Commission’s current budget and finances.

11. AMERICAN CHIROPRACTIC ASSOCIATION LETTER REGARDING H.R.2654/S.4042 – Dr. Clum, Chair

11.1 The Commission reviewed a letter from the American Chiropractic Association (ACA) regarding the Chiropractic Medicare Coverage Modernization Act, H.R. 2654, and S. 4042 that would allow Medicare beneficiaries access to chiropractic care. The ACA is encouraging members of state chiropractic regulatory boards, individually or as a body, to reach out to and inform members of their state congressional delegations that their support of legislation that provides Medicare beneficiary’s full access to the services of a chiropractor will improve care resulting in improved public safety with reduced potential for harm.

The Commission determined to receive this document as correspondence. No action was taken by the Commission.

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 sent the draft newsletter for review, no additional suggestions were provided.

13. STAFF REPORT

– Bob Nicoloff, Executive Director, Tammy Kelley, Deputy Executive Director, and Betty Moe, Regulatory Analyst

13.1 Mr. Nicoloff shared that the Veterinary Board of Governors is meeting on Monday, September 12th, and that the Commission’s request to work together is on the on the agenda for 10:00. Protem Member Dr. Matt Waldron will be taking the lead on the meeting.

Ms. Kelley shared that staff are working hard to stay current, including Mr. Cerkan our new credentialing specialist, Ms. Yeam who has devoted copious hours to develop the credentialing training process, and Ms. Moe toward moving the rules packages forward.

14. COMMISSION COMMITTEES - ESTABLISHMENT AND MEMBERSHIP

– Dr. Clum, Chair, and Bob Nicoloff, Executive Director

14.1 The Commission discussed past and future Commission committees and membership.

Mr. Nicoloff shared these possible standing committees for Commission consideration:

- Rules Committee
- Budget Committee
- Training/Mentoring Committee
- Examination Committee

Dr. Clum encouraged everyone to join a committee. Mr. Nicoloff asked members to email him if they are interested in being on any of the committees. Committees will be discussed again at the November meeting.

15. PLANNING FOR THE NOVEMBER 10, 2022 COMMISSION MEETING

– Dr. Clum, Chair

15.1 Commission members discussed plans for the November 17, 2022 Commission meeting, including if the meeting will be held in person or virtually.

The Commission motioned to conduct the November 2022 meeting virtually, because it cannot be held with reasonable safety. All Commission members approved. No members opposed or abstained.

16. NEW BUSINESS REQUESTS – Commission Members

16.1 Judge Spector requested training for public members and staff on chiropractic specialties such as rehabilitation.

17. PUBLIC COMMENT

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

Ms. Grassi, Executive of Legislation and Policy, Washington State Chiropractic Association (WSCA) expressed the importance of going forward with an open mind, when looking at the Health Equity CE rules. The stories that were provided by Ms. Vaughn were very impactful. WSCA is here to work with the Commission, on how the Commission choses to more forward once the rules are in progress.

Ms. Grassi shared that the WSCA would not be in support of doing all the CE hours online. CE events allow us to gather and connect senior practitioners with young practitioners who need guidance and mentorship, the best way to do that, is to bring people together.

Ms. Grassi also shared that the 2022 WA ChiroConfab was approaching and would be held in multiple locations.

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 September 1, 2022
- 18.2** Council on Licensure Enforcement and Regulation - August 2022 Chats Summary
- 18.3** Washington Medical Commission – Avoiding Fraud Claiming to be State Regulators
- 18.4** Council on Chiropractic Education – Accreditation Actions – August 2022

19. ADJOURNMENT

19.1 The meeting adjourned at 12:08 p.m.



Prepared By: Robert Nicoloff, Executive Director

November 17, 2022

Date



Approved By: Dana Clum, DC. Chair

November 17, 2022

Date