



**WASHINGTON STATE**  
**CHIROPRACTIC QUALITY ASSURANCE COMMISSION**  
**BUSINESS MEETING MINUTES**  
**November 17, 2022**

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

**Commission Members:**

Dana Clum, DC, 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, Jas Walia, DC, Judge Julie Spector (ret.), Public Member, 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  
Heather Carter, Assistant Attorney General  
Anthony Partridge, Department of Health, Policy Analyst  
Sheryl Hilt, Department of Health, Fiscal Team

**OPEN SESSION – Thursday, November 17, 2022**

- 1. CALL TO ORDER – Dr. Clum, Chair** **9:00 a.m.**
  - 1.1** The agenda was approved as submitted.
  
- 2. MESSAGES FROM COMMISSION LEADERSHIP - Dr. Clum, Chair; Dr. Wise, Vice-Chair; Ms. Bogni, Executive Committee Public Member; and David Folweiler, DC, Immediate Past Chair**
  - 2.1** Commission leadership expressed their gratitude for the work of their fellow Commission members and staff. Commission leadership is looking forward to the important work of the Commission in 2023.  
  
Dr. Clum welcomed Heather Carter, AAG, who was sitting in for Christopher Gerard, AAG.
  
- 3. APPROVAL OF MEETING MINUTES – Dr. Clum, Chair**
  - 3.1** The draft September 8, 2022, Commission meeting minutes were approved as submitted.
  - 3.2** The draft October 6, 2022, Commission special meeting minutes were approved as submitted.

**4. UPDATE ON COVID-19 REQUIREMENTS AND DIRECTIVES**  
**- Dr. Clum, Chair, and Heather Carter, Assistant Attorney General**

**4.1** Dr. Clum and Mrs. Carter stated the State of Emergency order ended on October 31<sup>st</sup>. At the special meeting on October 6<sup>th</sup> the Commission extended its COVID-19 related policies for additional action until this meeting.

**4.2** The Commission discussed updates to the following:

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

Dr. Clum noted that at the special meeting on October 6<sup>th</sup>, the Commission determined it would be best if this document was removed in its entirety on the Commission website on October 31, 2022. No additional action regarding the document is required at this time.

- [Temporary Commission Policy Statement On COVID-19 and Continuing Education Requirements for Chiropractors](#) Under the terms of this Policy Statement, the Commission stated it would not take enforcement action against its licensees who complete the twenty-five-hour continuing education requirement using exclusively online-based courses due to the COVID-19 public health emergency. The Commission further stated this policy will remain in effect until the Commission withdraws the position at an open public meeting.

The Policy Statement was needed because under current rule chiropractors are required to obtain at least thirteen hours of CE from in-person programs (WAC 246-808-150). This “in-person” requirement became incredibly challenging to comply with over the last two years due to the COVID-19 public health emergency.

The Commission discussed options ranging from maintaining the current policy to withdrawing the statement and taking no additional action.

The Commission motioned to replace the current policy statement with a statement allowing chiropractors whose license expires on or before November 17, 2023 (twelve months from the meeting), to not be subject to enforcement action, if they complete the twenty-five-hour CE requirement using exclusively online-based courses. 11 members approved; 1 member abstained.

- [Chiropractic X-ray Technicians and Classroom Hours Policy Statement](#) Under the terms of this Policy Statement, the Commission stated it would not find X-ray technicians or approved educational program deficient if “classroom instruction” is provided virtually with interaction between the instructor and the student due to the COVID-19 public health emergency. The Commission further stated this policy will remain in effect until the Commission withdraws the position at an open public meeting.

The Policy Statement was needed because the COVID-19 public health emergency posed significant challenges to X-ray technician education programs who are required to comply with the requirement in WAC 246-808-215 that classroom instruction be provided in-person rather than virtually.

The Commission discussed options ranging from maintaining the current policy to withdrawing the statement and taking no additional discussion.

The Commission motioned that they would replace the current policy statement with a new policy granting chiropractic X-ray technicians and chiropractic X-ray education programs with a “grace period” to comply with the “in-person” classroom instruction. Chiropractic X-ray technicians and chiropractic X-ray technician education programs will not be found deficient if “classroom instruction” is provided virtually for all education programs provided on or before November 17, 2023 (twelve months from the meeting). All members approved.

## **5. UPDATE ON 2022 NATIONAL ACTIVITIES AND MEETINGS**

### **– Dr. Clum, Chair**

#### **5.1 The Commission discussed the following activities and meetings:**

- Council on Licensure Enforcement and Regulation (CLEAR) annual conference, September 14<sup>th</sup> – 17<sup>th</sup>, Louisville, Kentucky
  - Members who attended: Ms. Bogni, and Dr. S. Chan
    - Dr. Chan shared the conference was educational with speakers from all over the world. It was a wonderful opportunity to learn what other regulatory bodies are doing.
    - Ms. Bogni shared that keynote speaker Imran Ahmed’s presentation on countering digital hate was informative and useful, that the session on culturally safe investigation practices was in line with recent legislation adopted in Washington state legislature such health disparities & equity, and that resetting ways of doing case reviews during a pandemic to expedite enormous caseloads was informative.
- FCLB District I & IV meeting, September 30<sup>th</sup> - October 1<sup>st</sup>, Incline Village, Nevada
  - Members and staff who attended: Ms. Bogni, Dr. Clum, Dr. Wise, Dr. S. Chan, Dr. Folweiler, Dr. Zepeda, Ms. Kelley, and Mr. Nicoloff
    - Dr. Clum shared that it was great to hear what other states are doing and it makes her proud to be from Washington.
    - Dr. Folweiler shared that he enjoys the district meeting because it provides the ability to learn from others and have open discussions. He is proud of the way the Commission operates.
    - Dr. Zepeda shared it was a fun experience and very informative.
    - Ms. Bogni shared FCLB is an organization with a tremendous amount of resources to help boards and commissions in a variety of areas, and that she has been appointed to the participate in the committee to update the Model Practice Act for Chiropractic Regulations
- NBCE Fall Part IV Examinations, November 12<sup>th</sup> -13<sup>th</sup>, various locations including Portland
  - Members who participated: Dr. B. Chan, and Dr. S. Chan
    - Dr. B. Chan was not able to attend, due to the weather condition.
    - Dr. S. Chan attended in Portland and enjoyed the ability to participate.

## **6. NOMINATIONS AND ELECTION FOR COMMISSION VICE-CHAIR**

### **– Dr. Clum, Chair**

**6.1** On October 4, 2022, Vice-Chair Dr. Michael Bostjancic indicated that he would be resigning from the Commission on November 10, 2022. Because his resignation creates a vice-chair position vacancy, nominations to fill the position were considered at the special meeting of the Commission on October 6, 2022. Dr. Walia and Dr. Davis were nominated for the position at that meeting. Before holding the election for vice-chair, Commission members had an additional opportunity to nominate members for the position.

Dr. Davis thanked Dr. Folweiler for the nomination. Dr. Davis shared that he has a new opportunity coming his way, and that he will not have the time necessary to dedicate to the vice-chair role. Dr. Davis asked to withdraw the nomination.

Ms. Bogni nominated Ms. Jensen. Ms. Bogni feels that two public members on the Executive Committee would provide a better balance with the number of chiropractor members on the committee. Ms. Jensen shared that while she appreciates the nomination, she has already served on the executive committee and would like someone else to have the opportunity. Ms. Jensen withdrew the nomination.

**6.2** Election by Acclamation. Dr. Clum questioned if anyone opposed Dr. Walia serving as the vice-chair. No members opposed. Dr. Walia will serve as co Vice-Chair.

## **7. COMMISSION REPRESENTATIVES ON WEEKLY DOH LEGISLATIVE CALLS**

### **– Bob Nicoloff, Executive Director**

**7.1** The Commission identified Dr. Wise and Ms. Bogni to serve as representatives on the weekly Department of Health legislative calls during the 2023 session.

## **8. COMMISSION COMMITTEES - ESTABLISHMENT AND MEMBERSHIP**

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

**8.1** The Commission discussed the reestablished Commission committees, and committee membership.

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

**9.1** Ms. Moe discussed the status of current rule related projects. Ms. Moe presented suggestions for moving the rule forward.

The commission made the following motions:

- Withdraw packages 2 and 5. Creating two new packages from package 2. The Commission will re-open package 5 when they have resources to work on it.
  - All members approved.
- Create one new rule package to focus on the Chiropractic x-ray Technicians WAC 246-808-201 and 215. This package will address educational requirements, reissuance requirements and include the Health Equity CE requirements.
  - All members approved.

- Create a second package to include everything else that was in package 2.
  - WAC 246-808-105 Chiropractic licensure—Initial eligibility and application requirements, WAC 246-808-115 Examinations, WAC 246-808-130 Temporary Permits - Issuance and duration, WAC 246-808-133 Background Check - Temporary Practice Permit, WAC 246-808-135 Licensure by Endorsement, WAC 246-808-140 Thirty-day permit, WAC 246-808-180 Expired licenses - Requirements for reactivating a chiropractic license, WAC 246-808-181 Inactive credential, WAC 246-808-190 Preceptor or direct supervisory doctor, and will include the creation of temporary practice permits for endorsement and military status or military-related status.
  - This package will include the definitions section from package 5. (WAC 246-808-010).
  - The Commission intends to update WAC’s 246-808-801, 810, 820, and 830 related to Substance Abuse Monitoring to be in better alignment with the passage of SSB 5496 of 2022.
- All members approved.

**9.2** The Commission had planned to discuss the Health Equity continuing education rules, but the model rules had not yet been finalized. This item was tabled until the January meeting.

**9.3** The Commission discussed the current Commission policy regarding the NBCE Examinations required for licensure in Washington. This policy was approved in 2015 and requires completion of different portions of the NBCE examination depending on when the chiropractor was issued their credential in another jurisdiction.

After conducting a thorough review, the Commission has determined that the licensing requirements of all states of the United States, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands are “substantially equivalent” to those of chapter 18.25 RCW and 246-808 WAC.

The Commission motioned to withdraw the policy from 2015 and adopt a new Licensure by Endorsement Substantially Equivalent Qualifications Policy Statement, allowing applicants who hold an active credential in any state of the United States, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands to be eligible to apply for licensure by endorsement. All members approved.

## **10. COMMISSION NEWSLETTER AND TRAINING PLANNING**

- **Tammy Kelley, Deputy Executive Director**

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

## **11. VETERINARY BOARD – CHIROPRACTIC COMMISSION TASK FORCE UPDATE**

- **Bob Nicoloff, Executive Director, Dr. Matt Waldron, Protem Member**

**11.1** Mr. Nicoloff and Dr. Waldron summarized the discussion of the Veterinary Board of Governors (VBOG) related to animal manipulation at its meeting on September 12, 2022. Dr. Waldron shared that the VBOG had agreed to file a CR101 and work on rules.

**11.2** The Commission discussed possible plans for addressing the treatment of animals by chiropractors licensed in Washington. Dr. Waldron indicated that a meeting of Commission members who serve on the Task Force is planned for February or March.

## **12. STAFF REPORT**

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

**12.1** Ms. Kelley shared the status of projects and activities the Commission staff are working on.

## **13. 2023 COMMISSION MEETING PLANNING**

**– Dr. Clum, Chair**

**13.1** The Commission determined the dates for the 2023 Commission meetings:

- January 12, 2023
- March 9, 2023
- May 11, 2023
- July 13, 2023
- September 14, 2023
- November 16, 2023

The Commission discussed whether the January meeting would be virtual or in-person.

The Commission motioned to conduct the January 2023 meeting virtually, because it cannot be held with reasonable safety. 4 members voted yes, 5 members voted no, and 2 members abstained. The January 2023 meeting will be held in-person with a hybrid option.

The Commission discussed the DOH meeting requirements and would prefer to have all attendees wear a mask in place of asking attendees to sign the vaccine attestation.

## **14. NEW BUSINESS REQUESTS – Commission Members**

**14.1** Commission members may request agenda items for future meetings. Dr. Folweiler requested a presentation from Craig Little, President with the Council on Chiropractic Education.

## **15. PUBLIC COMMENT**

**15.1** Members of the public had an opportunity to address the Commission. No public comments were taken.

## **16. CORRESPONDENCE AND REPORTS**

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

**16.1** Licensee Statistical Report as of November 8, 2022

**17. ADJOURNMENT**

**17.1** The meeting adjourned at 11:23 a.m.



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

January 12, 2023

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**Date**



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**Approved By: Dana Clum, DC. Chair**

January 12, 2023

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**Date**