



WASHINGTON STATE
CHIROPRACTIC QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
May 18, 2023 – 9:00 a.m.

This was a public meeting and was held in-person and online.

**The Conference Center at SEA
SeaTac Airport
London Conference Room**

Commission Members Present:

Dana Clum, DC, Chair, Vanessa Wise, DC, Vice-Chair, Susan Bogni, MPA, 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, and Benjamin Zepeda, DC. Absent: Jas Walia, DC, Vice-Chair, Brian Chan, DC, Judge Julie Spector (ret.)

Staff Members:

Bob Nicoloff, Executive Director
Tammy Kelley, Deputy Executive Director
Betty Moe, Policy and Legislative Administrator
Jenny Yeam, Projects and Compliance Manager
Lydia Koroma, Supervising Staff Attorney
Sierra Williams, Assistant Attorney General

OPEN SESSION – Thursday, May 18, 2023

9:03 a.m.

1. CALL TO ORDER – Dr. Clum, Clum

1.1 The agenda was approved as presented.

2. MESSAGES FROM COMMISSION LEADERSHIP - Dr. Dana Clum, DC, Chair; Dr. Jas Walia, DC, Vice-Chair; Dr. Vanessa Wise, DC, Vice-Chair; Ms. Susan Bogni, MPA, Executive Committee Public Member; David Folweiler, DC, Immediate Past Chair

2.1 Commission leadership had the opportunity to provide comments.

Dr. Clum thanked all meeting attendees for coming to the meeting. She indicated that although we are through the COVID pandemic, it continues to be at an interesting time in healthcare. She expressed gratitude to be in healthcare as a chiropractor supporting people through this process. She extended thanks to the Commission and all the licensees for continuing to support their patients. She thanked the staff who continue to support the Commission.

Dr. Wise expressed gratitude towards the Commission staff and staff attorneys for all they do behind the scenes. She really appreciates all the hard work and effort they put in.

Susan Bogni, MPA, is looking forward to a great meeting and sharing information from the Federation of Chiropractic Licensing Board (FCLB) meeting.

Dr. Folweiler thanked staff for organizing the meeting, and expressed how great it is to see people in person.

3. APPROVAL OF MEETING MINUTES – Dr. Clum

3.1 The March 9, 2023 Commission meeting minutes were approved as presented.

4. 2023 NATIONAL AND STATE ACTIVITIES AND MEETINGS – Dr. Clum

4.1 The Commission discussed the following activities and meetings:

- Federation of Chiropractic Licensing Boards (FCLB) annual conference and the NBCE delegate meeting, April 26th – 30th, West Palm Beach, Florida
 - Members Who Attended: Susan Bogni, MPA, Dr. Wise, Dr. Walia, Dr. Clum, Dr. S. Chan, Dr. Zepeda, and Dr. B. Chan

Dr. Clum shared that the Federation of Chiropractic Licensing Board (FCLB) meeting is always paired with the annual Nation Board of Chiropractic Examiners (NBCE) meeting. One thing that stood out for her at the meeting is how chiropractic education is shifting post-COVID. It is always great to see and meet other people from various states and regulations to see how their state is doing. She is always proud to be from Washington. We are often able to share the tools we use to help other states.

Susan Bogni, MPA, very much appreciated the FCLB conference's overarching message, Regulation Reinvented. Dr. Craig Little with the Council on Chiropractic Education provided a compelling presentation on disruptive change for innovation. He offered a look at the future of professional education and talked about the impact regulatory boards have on shaping educational programs.

Dr. Wise shared that there were a lot of great presentations. She participated on a panel of board public members, and our Assistant Attorney General Advisor Christopher Gerard presented on a panel as well. It was great to see.

- Trauma Informed Sexual Assault Investigations Training, May 11th, Tumwater
 - Members and Staff Who Attended: Dr. B. Chan, Dr. S. Chan, Dr. Davis, Dr. Folweiler, Julie Spector, Judge (ret.), Dr. Walia, Dr. Zepeda, Ms. Kelley, Ms. Moe, and Mr. Nicoloff

Dr. Folweiler shared that it was very informative and interesting to learn more about dealing with victims of sexual assault and how we can help support them in disciplinary related cases.

- NBCE Spring Part IV Examinations, May 20th – 21st, various locations including Portland, Oregon
 - Members Participating: Dr. B. Chan and Dr. Davis

- National Board of Chiropractic Examiners (NBCE) Part IV Test Committee, June 23-24, Greeley, Colorado
 - Member Participating: Dr. Clum

Bob Nicoloff shared that a number of members and staff are interested in attending upcoming out-of-state conferences, and as a result the Commission budget on travel could exceed the amount allotted.

Historically, before the Commission was independent, usually only one or two Commission members would attend these national and district conferences.

In 2013, the Commission was in a pilot projects to demonstrate the benefits of being independent. All members were encouraged to attend national meetings to gather ideas for improving Commission work approaches. But now that the pilot project is complete, there is a need to take a fresh look at the travel budget. This is something the Commission Budget Committee will be reviewing.

- Council on Licensure Enforcement and Regulation (CLEAR) annual conference, September 27th – 30th, Salt Lake City, Utah
 - Members and Staff Interested In Attending: Dr. S. Chan, Susan Bogni, MPA, Susan Jensen, JD, Dr. Walia, Dr. Zepeda, and Ms. Kelley
- FCLB Districts III & V meeting, September 21st – 24th, Boston, Massachusetts
 - Staff Interested In Attending: Mr. Nicoloff
- FCLB Districts I & IV meeting, October 5th – 8th, Keystone, South Dakota
 - Members and Staff Interested In Attending: Susan Bogni, MPA, Dr. B. Chan, Dr. S. Chan, Dr. Davis, Dr. Folweiler, Dr. Long, Dr. Wise, Dr. Zepeda, and Ms. Kelley
 - Susan Bogni, MPA and Dr. Long withdrew based on the budget limitations.
- NBCE Fall Part IV Examinations, November 11th -12th, various locations including Portland, Oregon
 - Members Interested In Participating: Dr. S. Chan and Dr. Wise

5. LEGISLATIVE UPDATE – Betty Moe, Regulatory Analyst, Susan Bogni, MPA, and Dr. Wise

5.1 Betty Moe, Susan Bogni, MPA, and Dr. Wise discussed bills that passed during the 2023 legislative session. The Commission will be working to implement HB 1009 related to military spouse employment, and ESSB 1503, regarding the collection of health care professionals’ information at the time of license application and renewal.

5.2 Betty Moe discussed Federal law H.R.7939 – Veterans Auto and Education Improvement Act of 2022 – Section 19, “Portability of Professional Licenses of Service Members and their Spouses”. The Commission will be working to implement the requirements of this bill.

6. BUDGET REPORT - Betty Moe, Regulatory Analyst, and Budget Committee Members

6.1 Betty Moe presented the current Commission budget and financial reports. The Commission requested additional data related to the number of applications received for additional analysis.

7. RULES WORKSHOP – Betty Moe, Regulatory Analyst

7.1 Chiropractic Health Equity Continuing Education Rules

The Commission filed a CR-101 on November 1, 2022, under [WSR 22-22-088](#) for [WAC 246-808-150](#) and other relevant continuing education rules sections. The Commission has discussed adoption of the minimum standards established in the health equity continuing education model rules, [WAC 246-12-800](#) through [WAC 246-12-830](#), to comply with [RCW 43.70.613](#).

As part of the workshop the Commission evaluated the number of continuing education (CE) hours a chiropractor can complete using distance learning and multimedia chiropractic education programs. The rules currently limit the use of multimedia resources to twelve hours. The Commission does not believe the number of CE hours that can be completed online should be changed from the current requirement.

The Commission moved to adopt the draft rule language to implement the health equity continuing education requirements by filing a CR102. The motion passed.

7.2 WAC 246-808-201 and WAC 246-808-215- Chiropractic X-Ray Technicians

The Commission filed a CR-101 on March 24, 2023 under [WSR 23-08-021](#). The Commission is considering adopting health equity continuing education (CE) model rules, [WAC 246-12-800](#) through [WAC 246-12-830](#), to comply with [RCW 43.70.613](#) for Chiropractic X-ray Technicians.

Betty Moe provided a brief overview of the history of this rule package.

The Commission reviewed draft rule language related to the Chiropractic X-ray Technicians. The draft rule language:

- Changes all reference to chiropractic X-ray technicians to be consistent throughout the rules.
- Provides definitions for “classroom” and “in-person” learning.
- Changes the number of hours required from 48 to 72 hours. Of those hours 30, must be in-person learning.
- Removes physiology as a course content requirement.
- Provides clarity on when CE is due.
- Changes the exam required from a proficiency examination to a written and practical proficiency examination.
- Provides exceptions for a chiropractor who has graduated from a chiropractic school within the past five years to obtain the chiropractic X-ray technician without completion of the educational requirement or exam requirement.
- Proposed changes to who can provide the training for chiropractic X-ray technicians.

The Commission discussed comments provided by interested parties and allowed comment throughout the rules review. The Commission intends to bring back draft rule language for approval at their July meeting.

The Commission discussed the health equity CE requirements for chiropractic X-ray technicians. The Commission moved to adopt the model rules as listed in WAC 246-12-800 through WAC 246-12-830 because it believes that the two hours course of CE every four years is sufficient. The Commission also believes that the hours should be included in the total hours required.

8. COMMISSION COMMITTEE REPORTS

8.1 Training/Mentoring Committee - Meeting held on April 11th

- Members participating: Susan Bogni, MPA, Dr. Clum, Dr. Folweiler, Susan Jensen, JD, and Dr. Wise

Tammy Kelley shared that the Committee met on April 11th and came up with a lot of additional information to be incorporated into the Board Member Manual. Several sections are being updated with more recent versions of documents. We have also put together a recommended timeline for on-boarding new members and drafted changes to the mentor checklist, incorporating the recommended training timeline. The Committee is also creating a list of new member training requirements and reading materials.

8.2 Animal Manipulation Committee – Next meeting not yet scheduled.

- Members participating: Dr. Folweiler, Susan Jensen, JD, Dr. Wise, and Dr. Waldron (Protem Member)

8.3 Rules Committee – Meeting held on March 23rd

- Members participating: Dr. Clum, Dr. Folweiler, Susan Jensen, JD, Dr. Wise, and Judy Colenso (Protem Member)

Betty Moe shared the rules committee has been actively meeting to work on draft rule language.

8.4 Examination Committee - Meeting held on April 3rd

- Members participating: Dr. B. Chan, Dr. S. Chan, Dr. Davis, and Dr. Wise

Mr. Nicoloff shared the Exam Committee had their first meeting in May. They reviewed background information on the jurisprudence (JP) exam subjects, discussed possible changes to the exam content, and discussed basic concepts in the exam development and tools for improving the examination.

8.5 Budget Committee - Next meeting not yet scheduled.

- Members participating: Dr. S. Chan, Dr. Davis, Dr. Long, Julie Spector, Judge (ret.), and James Slakey (Protem Member)

Betty Moe shared that the next meeting had not yet been scheduled. The Budget Committee is looking at travel costs, Office of the Attorney General costs, costs for investigations and staff attorneys. They also need to revise the Budget Committee charter.

9. COMMISSION NEWSLETTER AND TRAINING PLANNING

- **Tammy Kelley, Deputy Executive Director**

9.1 The Commission reviewed and updated the Commission newsletter and training plan.

10. STAFF REPORT AND PLANS

- **Tammy Kelley, Deputy Executive Director, and Bob Nicoloff, Executive Director**

10.1 Tammy Kelley shared that the backlog of archiving has been completed. Staff have completed some database cleanup and currently have other projects underway. There are still several projects that need to be completed, but the team is making a lot of headway.

Tammy Kelley presented Jenny Yeam with an award in honor of her 20 years of state service.

11. REQUEST FOR AN ADDITION TO THE COMMISSION CLASSIFIED LIST OF CHIROPRACTIC PROCEDURES AND INSTRUMENTATION – Commission Members

11.1 The Commission considered a request received from Jeudi Boulom, DC to approve Tao Calligraphy Light Therapy as a modality as an adjunct therapy to chiropractic protocol.

Mr. Nicoloff shared the Commission’s Policy CH-6-12-14, *Policy for Considering Requests for Additions or Changes to the Commission Classified List of Chiropractic Procedures and Instrumentation WAC 246-808-505*.

Dr. Boulom presented Tao Calligraphy and shared why she thought this modality should be approved by the Commission. Dr. Boulom presented some of the cases where the usage of Tao Calligraphy benefited patients.

Commission members discussed Tao Calligraphy. Dr. Clum shared that while she believes there may be value to the technique, she doesn’t see how it fits into the scope of practice of a chiropractor. Dr. Wise agreed.

A motion was made to not approve Tao Calligraphy to be listed on the approved Instrumentation List. The motion was carried.

12. NEW BUSINESS REQUESTS – Commission Members

12.1 Commission members may request agenda items for future meetings.

Dr. Folweiler requested that Dr. Craig Little, CCE speak at a future meeting.

Lori Grassi, Executive of Legislation and Policy, Washington State Chiropractic Association (WSCA), shared that the WSCA recently received several inquiries related to the requirements in WAC 246-808-190(2)(a) Preceptor or direct supervisory doctor. The current rules require a chiropractic doctor to have been credentialed in Washington for five years. The Association would like to partner with the Commission about changing the requirements from five years in Washington state to five years in general. Ms. Grassi added that the Association is not filing a petition for rulemaking regarding this issue.

Betty Moe shared that the Commission has these rules open and she would be adding the comments shared today to the rules for review. She is hopeful that the Rules Committee will start sharing draft revisions in early fall.

13. JULY 13, 2023 COMMISSION MEETING PLANNING – Dr. Clum

- 13.1 The Commission discussed plans for the July 13th Commission meeting, including if the meeting will be held in person, virtually, or both.

Sierra Williams, AAG shared that the meetings always must have a physical location, but the Commission can choose to hold the meetings hybrid.

The July 13th meeting will be scheduled as a hybrid meeting. The physical location will be the Department of Labor & Industries Conference Center in Tumwater, WA.

14. PUBLIC COMMENT

- 14.1 Ms. Grassi shared the association’s experience with the 2023 legislative session.

15. LEADERSHIP NOMINATIONS

- 15.1 The Commission nominated leadership positions for a one-year term beginning in July, 2023 including the chair position, two vice-chair positions, and one public member position on the Commission Executive Committee.

Dr. Folweiler nominated current leadership to serve a second term.

Additional nominations and the elections will occur at the next Commission meeting.

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 May 5, 2023
16.2 Healthcare Enforcement Licensing Modernization System (HELMS) – First Quarter 2023 Update
16.3 Governor Inslee’s email ending the COVID-19 vaccination requirement for state employees

LUNCH

17. COMMITTEE PLANNING

- 17.1 If needed, Commission Committees had the opportunity to meet briefly to plan future meetings. None of the Committee needed to meet at this time.

18. COMMISSION TRAINING –

- 18.1 Open Public Meetings Act
- **Christopher Gerard, Assistant Attorney General**
- This item was tabled for a future meeting.
- 18.2 Public Records Act
- **Christopher Gerard, Assistant Attorney General**

- This item was tabled for a future meeting.

18.3 Ethics In Public Service

- **Christopher Gerard, Assistant Attorney General**
- This item was tabled for a future meeting.

18.4 Bob Nicoloff provided an overview of the Commission’s current structure which included a:

- Current staff organization chart
- Review of the three categories of state positions within the Commission
- Review of the duties of commission staff members
- Review of the proposed organization chart
- Review of the duties of a new proposed position
- Review of a draft letter to the Department of Health

Mr. Nicoloff requested approval to move forward with the new proposed position. The Commission moved to approve moving forward and sending the letter as drafted. Motion was approved by all.

19. ADJOURNMENT

19.1 The meeting adjourned at 1:55 pm.



Prepared By: Robert Nicoloff, Executive Director

July 13, 2023
Date



Approved By: Dana Clum, DC. Chair

July 13, 2023
Date