



WASHINGTON STATE
CHIROPRACTIC QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
January 11, 2024 – 9:00 a.m.

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

Commission Members:

Dana Clum, DC, Chair, Jas Walia, DC, Vice-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.

Staff Members:

Bob Nicoloff, Executive Director
Tammy Kelley, Deputy Executive Director
Jenny Yeam, Projects and Compliance Manager
Betty Moe, Commission Director of Operations and Policy
Christopher Gerard, Assistant Attorney General

OPEN SESSION – Thursday, January 11, 2024

9:00 a.m.

1. CALL TO ORDER – Dr. Clum, Chair

1.1 The agenda was approved as written.

2. MESSAGES FROM COMMISSION LEADERSHIP - Dana Clum, DC, Chair; Jas Walia, DC, Vice-Chair; Vanessa Wise, DC, Vice-Chair; 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 wished everyone a Happy New Year. She shared this is the first remote meeting of the commission since we started attending in person. The technology proves to be slightly challenging, but provides us with the convenience of meeting remote, and it saves travel time and costs.

Dr. Clum thanked the staff who were onsite in Tumwater providing a physical location for any members of the public who wanted to attend in person. While remote has its conveniences, we all agree that in person is our preferred method of meeting. When we're all together can connect more, communication is easier, and we can get great things done. When planning our 2024 meetings, we planned for two remote meetings over the course of the year. One being today and the other in July. All the other meetings will be in person. Dr. Clum shared, she looks forward to seeing everybody at our next in person meeting.

Dr. Wise echoed Dr. Clum's sentiments and expressed appreciation for the staff. She looks forward to seeing everyone in March but agrees this is a nice way to allow us to meet with the snow and all the other crazy weather.

Dr. Walia expressed that with each meeting he realizes how much staff and commission members are putting into the success of the commission, and he expressed his appreciation. Looking back at 2023, we accomplished a lot. He's excited to see what we accomplish in 2024.

Susan Bogni, MPA shared 2023 was productive and we're going into 2024 continuing that momentum. We will also continue to work on the Strategic Plan. There is always wonderful information at the national conferences. Hoping that as we send people, we can encourage them to bring back the information learned, nothing is static and everything changes, we need to bring the newest and the latest and the greatest information from these conferences that we can apply to the commission.

Dr. Folweiler wished everyone a Happy New Year. He shared it was good to see faces, but he wishes we were seeing each other in person. He thanked the staff for their work and dedication.

3. APPROVAL OF MEETING MINUTES – Dr. Clum

3.1 The meeting minutes from November 16, 2023 were approved.

4. LEGISLATIVE UPDATE – Betty Moe, Director of Operations and Policy, Susan Bogni, MPA, and Dr. Wise

4.1 Betty shared it has been a busy year already, and thanked Dr. Wise and Susan Bogni, MPA for reading and responding to all the bills that have been sent out. DOH completed over 155 prefilled bills, prior to the start of sessions on January 8th.

CQAC has looked at about 10 bills so far. None of the bills had a direct impact on the work of commission.

5. COMMISSION APPOINTMENTS AND MEMBERSHIP – Dr. Clum and Bob Nicoloff, Executive Director

5.1 An update on the Commission member appointment process was provided.

Dr. Clum and Bob Nicoloff met with staff from the governor's office regarding appointments for our vacant Commission seats. Dr. Clum shared her takeaways and then opened the floor for discussion.

Many of the applicants who applied now have applications that are over a year old. While they are still considering those applicants, they may need to submit updated applications. The Governor's Office is looking at the diversity of appointments across all boards and commission and there's a list of different areas of diversity that they're looking for.

Right now, board and commission appointments are prioritized if there are quorum issues. While we are fortunate not to have those challenges, getting the positions filled would lessen the burden on current members and allow for additional learning opportunities before more senior commission members term off.

Dr. Clum expressed that it would be in the best interest to ask the Executive Committee to come up with a questionnaire for all our current Commission members, so we can perform a self-assessment of our current level of diversity.

Dr. Wise agreed doing a self-assessment then going back to the governor with the information may be helpful.

Dr. Clum stated the Washington State Chiropractic Association does a great job of finding as diverse applicants as possible when making recommendations. Lori Grassi indicated a few of applicants they put forth were in Eastern Washington.

6. BUDGET REVIEW - Betty Moe, Director of Operations and Policy

- 6.1** The current Commission budget was presented. The Commission's fund balance at the end of November 30, 2023, was \$433,850. The fund goal balance is \$574,584, which is 15% of the operating costs.

Bob Nicoloff shared that increasing fees is a lengthy process, requiring a fee study rulemaking. The fees are under the authority of the Secretary, and the Commission will work with them on any necessary fee adjustments.

- 6.2** The national meeting cost estimates requested by the Commission at the last meeting were presented.

The cost estimates were completed using both high and low estimates based on how many days a member attended.

There is a current policy on Commission Member Pay. The budget committee was asked to review the policy and bring any necessary updates back to the Commission for review.

7. 2024 NATIONAL AND STATE ACTIVITIES AND MEETINGS – Dr. Clum

- 7.1** The Commission discussed the following activities and meetings:

- Federation of Chiropractic Licensing Boards (FCLB) annual conference and the National Board of Chiropractic Examiners (NBCE) delegate meeting, May 1-5, 2024 - Phoenix, Arizona
 - Members attending: Dr. Walia, Dr. Clum, and Dr. Wise. Dr. Wise's travel will be covered by an FCLB scholarship.
 - Assistant Attorney General Christopher Gerard has been asked to speak at this conference.
- NBCE Spring Part IV Examinations, May 18-19, 2024, various locations including Portland
 - Members participating: Dr. B. Chan and Dr. Wise
- NBCE Part IV Test Committee (Only If Invited), June 8, 2024 - Greeley, CO
 - Member participating: Dr. Clum
- Council on Licensure Enforcement and Regulation (CLEAR) annual conference, September 16-19, 2024 - Baltimore, Maryland
 - Members interested in attending: Susan Jensen, JD, and Dr. S. Chan
 - Staff interested in attending: Bob Nicoloff.

- FCLB District I & IV meeting, October 3-6, 2024 - Scottsdale, AZ
 - Members interested in attending: Dr. Wise, Judge Spector, Dr. Walia, and Dr. S. Chan
- NBCE Fall Part IV Examinations, November 9-10, 2024, various locations including Portland
 - Members interested in participating: Dr. Davis, Dr. B. Chan, and Dr. S. Chan

8. **RULES COMMITTEE REPORT - Betty Moe and Committee Members - Dr. Clum, Dr. Folweiler, Dr. Wise, and Judy Colenso (Protem Member)**

- 8.1 The Rules Committee presented a policy and form to be used for Commission approval of Chiropractic X-ray Technician courses. A motion to approve the policy and form was made. The motion carried.
- 8.2 The Commission discussed steps for opening rules to implement the requirements of [HB 1724](#) (Chapter 425, Laws of 2023).

Betty shared she had checked in with the Office of Health Professions, essentially all the boards that have been worked with so far have moved the JP exam to a condition of continuing education (CE), opposed to a condition of initial licensure. As far as implementation, this has been operational for a handful of professions whose rules allow for it. As the language is in law, some are not waiting for rule changes, they are making the call to move individuals through if their states are equivalent. Others are in the process of changing their language to support the JP move.

Christopher Gerrad stated the Commission really has two decisions to make:

- 1) Is the Commission maintaining the position that other states are substantially equivalent? Understanding, that if you maintain that position then applicants who qualify under HB 1724 will not have to do the JP exam.
- 2) Does the Commission want to take additional action for applicants not having to complete the jurisprudence exam?

Dr. Long questioned if the Commission has the option of saying, due to scope of practice limitations, other states are not substantially similar, so we can't waive the JP. The biggest concern is that someone comes into the state and starts doing what they could do in another state and causes patient safety concerns.

Dr. Clum stated that the Commission has previously determined other state are substantially equivalent looking at education and training. Procedurally, staff could send a document once the credential has been issued, stating here is our scope of practice.

Dr. Wise liked the idea of offering the JP as a CE option and encouraging the taking of the JP exam as a CE option.

Susan Bogni liked the concept of sending out a sheet about the scope of practice to help educate newly licensed chiropractors.

A motion was made that the commission maintains the position that all states are substantially equivalent and applicants that fall under the requirements of HB 1724, will not have to take the JP exam. Betty will check with the Department to determine if the current rules are open broadly enough to include the requirements set forth in HB 1724, if it is not, the Commission will file the appropriate CR-101 to include this body of work. The motion carried.

Since this will create a gap for these applicants, the Commission intends to send a one page information sheet about the scope of practice and CE requirements in Washington. The one-pager should come back to the commission for approval.

8.3 Updates on rules, legislation, and policies were provided, including:

- The Commission adopted rules related to Chiropractic X-ray Technicians, during their meeting on November 16, 2023. These rules update the number of hours required, the type of examination required, course content, and who can be approved to teach courses. These rules also update continuing education (CE) requirements including CE on health equity and an updated process to activate an expired credential. The rules will take effect on July 1, 2024. The commission intends for these rules to be filed within the next two weeks.

9. RULES WORKSHOP - Betty Moe

- 9.1** The Commission is considering revisions to [WAC 246-808-010](#), [246-808-105](#) through [246-808-140](#), [246-808-180](#), [246-808-190](#), [246-808-510](#), [246-808-535](#) and [246-808-830](#) to clarify, streamline, and modernize the rule language, and to be consistent with current laws and practice standards.

The Commission is also considering technical amendments to implement [Substitute Senate Bill \(SSB\) 5496](#) (Chapter 43, Laws of 2022). SSB 5496 updated terminology, definitions, and references for chiropractors, and also made clarifications to confidentiality protections in [RCW 18.130.070](#) for health professional monitoring programs. Except for the revision of individual rule sections, a comprehensive review of [Chapter 246-808 WAC](#) has not been conducted since 1996. The Commission will begin reviewing the rule package for proposed amendments.

The commission reviewed WAC 246-808-105 and WAC 246-808-130.

10. ANIMAL MANIPULATION PROJECT UPDATES - Dr. Matthew Waldron, Protem Member, Project Chair, Susan Jensen, JD, Project Vice-Chair, Dr. Folweiler, Dr. Wise, and Bob Nicoloff

- 10.1** Dr. Waldron shared the findings of the research project to gather provider requirements and best practices in licensing animal manipulation and animal chiropractic in other.

We have moved from the idea stage with this project to more of a commitment stage where we've been taking steps to complete research. The committee determined we would look at requirements state by state. The purpose is being able to analyze other regulatory models for the adjustment of animals and animal chiropractic. Moving forward we will have the information necessary to identify what we think this should look like in Washington. We have almost completed the state-by-state review. Huge appreciation goes to Susan Jensen, JD for taking the lead on this state-by-state review.

- 10.2** Plans for the next Veterinary Board – Chiropractic Commission Task Force meeting were discussed.

The Commission reviewed a draft handout, of the US, with links to each state's requirements relative to animal adjusting regulations.

Dr. Waldron shared that he is working on an historical perspective article for the WSCA and the Commission's Newsletter, which goes back to about 2017 or 2018..

There were questions about the Veterinary Board of Governors (VBOG) rules. Poppy Budrow, Program Manager for VBOG stated they had a CR-101 related to all animal related health care tasks.

Dr. Sellon, VBOG member shared, the VBOG came to the determination, they could not use rules to make the change, that it would need to be legislatively mandated. The VBOG has some ideas to share on what they believe needs to be in the legislation.

Staff will schedule a Task Force Meeting for Spring.

Ultimately, moving this forward will take legislative action. The WSCA is preparing to take that on if necessary.

11. COMMISSION NEWSLETTER AND TRAINING PLANNING

- **Tammy Kelley, Deputy Executive Director**

11.1 The Commission reviewed and updated the future newsletter articles list and future training topics list. There are currently many ideas for training, and we will conduct some of the trainings during the two-day meeting in September.

12. STAFF REPORT

- **Tammy Kelley, Betty Moe, and Bob Nicoloff**

12.1 Current projects and activities in the Commission office were discussed.

Staffing Update:

Betty has begun in her new position. We have already seen a lot of legislative activity, probably even more because it is a short session.

HSC1 – Credentialing position was vacated October 1, 2023. Jenny has been doing an extraordinary job trying to keep us afloat. There is a lot of work, and being down this position is impacting things. Jenny is doing the bulk of the work of two positions. The recruitment process is long and time-consuming. We are working on the best option to fill this position.

HELMS Update:

Currently the project team is focused on delivering the HELMS Lite release, which is a replacement for the Online Licensing and Information Collection (OLIC) system used for our initial application process. The scope for HELMS Lite includes replacement of OLIC for our initial applications process, workforce surveys, and implementation of prior legislation related to initial applications online. HELMS Lite is scheduled for release at the end of the first quarter in 2024, perhaps in April.

There were questions raised about the HELMS project as it started as a \$12 million dollar project and is now over \$60 million.

Do we have any options, what are other independent commissions doing or is anyone looking at not participating in HELMS because of this cost? It's such a giant jump it seems like there hasn't been accountability in the process so how is that cost something that we're expected to pass on to our licensees. Tammy shared, from her understanding there's no talk from medical or nursing about quitting at this juncture. The resources that have already been used can't be refunded. A separate system would cause many issues and we can't keep the existing system as the current contracts and maintenance would not be available.

Facility Update:

Construction in the building the Commission is housed in (TC-2) is well underway. They anticipate starting the third-floor construction soon, they must complete one area before moving to the next area. There have been pushes to limit the amount of space allotted to each office, unless staff are in the office for a certain number of days a week. We will have a designated area for where our team will drop in and maintain all our records.

Equipment Update:

We are currently working on procuring a new scanner. We have received two quotes and are waiting for a third. We are working with our partners in HTS to ensure staff are available to help set up when necessary as well as our partners on the HELMS project for any specific specifications necessary to ensure the scanner and software are compatible with the system.

13. NEW BUSINESS REQUESTS – Commission Members

13.1 Commission members may request agenda items for future meetings. No new requests were made.

14. PUBLIC COMMENT

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

Lori Grassi, Executive of Legislation and Policy, Washington State Chiropractic Association (WSCA) discussed SB 6161 concerning provider contract compensation. WSCA is monitoring this in attempt to avoid any consequences. Most of the bills don't apply to chiropractors.

Regarding HELMS, Lori has a meeting with another lobbyist and the Department on this issue. She expressed frustration that the process has taken so long, and the budget has increased drastically from \$12 million to \$60 million. They are looking at it from the point of view of our stakeholders, those paying the bill which are credentialed providers.

WSCA is working with a provider on health equity continuing education for chiropractors.

15. CORRESPONDENCE AND REPORTS

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

15.1 Licensee Statistical Report as of January 2, 2023

15.2 Emails to the Commission on November 16, 2023, and November 28, 2023 from Dr. Susan Vlasuk regarding Chiropractic X-ray Technician rules, WAC 246-808-201 to WAC 246-808-215

15.3 Text to the Commission on November 23, 2023 from Dr. John Miller regarding Chiropractic X-ray Technician rules, WAC 246-808-201 to WAC 246-808-215

15.4 Email sent to the Department of Health on December 12, 2023 from Lori Grassi, Executive of Legislation & Policy, Washington State Chiropractic Association, regarding the HELMS (Healthcare Enforcement and Licensing Management System) project.

16. ADJOURNMENT

16.1 The meeting adjourned at 12:51 p.m.



Prepared By: Robert Nicoloff, Executive Director

March 14, 2024

Date



Approved By: Dana Clum, DC, Chair

March 14, 2024

Date