



WASHINGTON STATE
CHIROPRACTIC QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
July 11, 2024

This was a public meeting held in person and online.

Commission Member(s) Present:

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; and Judge Julie Spector (ret.), Public Member. Absent: Benjamin Zepeda, DC

Staff Members:

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

OPEN SESSION – Thursday, July 11, 2024

9:00 a.m.

1. CALL TO ORDER – Dr. Clum, Chair

1.1 The agenda was approved as written.

2. EXECUTIVE SESSION

2.1 The Commission convened in executive session between 9:05 am and 9:35 am to discuss with legal counsel representing the Commission potential federal litigation to which the Commission, or a Commission member in an official capacity, is likely to become a party pursuant to RCW 42.30.110(1)(i).

3. MESSAGES FROM COMMISSION LEADERSHIP - Dr. Clum, Chair; Dr. Walia, Vice-Chair; Dr. Wise, Vice-Chair; Susan Bogni, MPA, Executive Committee Public Member; and Dr. Folweiler, Immediate Past Chair

3.1 Commission leadership had the opportunity to provide comments.

Dr. Clum stated this was her last meeting presiding as Chair. She shared that working with the Executive Committee and staff has been an absolute honor. She thanked everyone for their integrity and dedication and shared that she couldn't have envisioned what the last few years would entail when she began on the Commission almost five years ago in 2019.

Several obstacles have been encountered, and we've sailed through them as a team. She welcomed back more normal operations and looks forward to continuing our efforts. She thanked everyone for their tireless work and dedication and expressed appreciation for all that is done to support the Commission's work.

Dr. Walia thanked Dr. Clum for her amazing leadership, stating that someone is going to have some big shoes to fill. He also shared that staff are doing way more than we think they are and thanked everyone.

Dr. Wise echoed Dr. Walia's sentiments. It has been a very pleasant experience, and our amazing team continues to go above and beyond.

Susan Bogni, MPA, reiterated everything she heard. She thanked Dr. Clum for her leadership and the work of all the Commission members, as well as the staff for their work and dedication.

Dr. Folweiler thanked everyone for participating and for doing this online, as it saves on travel costs. He is looking forward to a great meeting and thanked the staff for all their support.

4. APPROVAL OF MEETING MINUTES – Dr. Clum

4.1 The May 9, 2024 meeting minutes were approved as written.

5. ADDITIONAL COMMISSION LEADERSHIP NOMINATIONS

5.1 At the May 9, 2024, Commission meeting, members were nominated for leadership positions for the one-year term beginning July 11, 2024, including the chair position, two vice-chair positions, and one public member position on the Commission Executive Committee. Before holding the elections, Commission members had an additional opportunity to nominate members for leadership positions.

Current nominations:

Dr. Wise, Chair
Dr. Walia, Vice-Chair
Dr. Davis, Vice-Chair
Susan Bogni, MPA, Public Member

There were no additional nominations.

6. COMMISSION ELECTIONS

6.1 The Commission approved a motion to elect the nominated slate to leadership positions for the one-year term beginning July 11, 2024. The Commission members elected to the Executive Committee for the one-year term were:

Dr. Wise, Chair
Dr. Walia, Vice-Chair
Dr. Davis, Vice-Chair
Susan Bogni, MPA, Public Member

The motion carried.

7. RULES WORKSHOP – Betty Moe, Director of Operations and Policy

- 7.1 The Commission is considering revisions to [WAC 246-808-010, 246-808-105 through 246-808-140, 246-808-180, 246-808-181, 246-808-190, 246-808-510, 246-808-535 and 246-808-801 through 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 clarified confidentiality protections in [RCW 18.130.070](#) for health professional monitoring programs. Except for revising individual rule sections, a comprehensive review of Chapter [246-808 WAC](#) has not been conducted since 1996.

The Commission reviewed [WAC 246-808-181- Inactive Credential Requirements](#).

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

- 8.1 The Rules Committee shared information on the substantial equivalency of the Canadian provinces and territories and potential updates to policy [CH-11-17-22 Licensure by Endorsement – Substantially Equivalent Qualifications for Commission determination](#).

The rules committee has discussed and reviewed this topic at length. The committee examined each province's education requirements and exams, which included a written and practical exam.

Dr. Clum shared that she reached out to Craig Little, Ed. D, President of the Council on Chiropractic Education (CCE). The Canadian provinces do not require CCE accreditation of their programs; they use the Council on Chiropractic Education Canada (CCEC).

Dr. Little doesn't believe CCEC is as rigorous, but both Canadian Chiropractic Schools are very rigorous, especially their entrance requirements, which also meet the ½ BA requirement, as required by our rules. Dr. Little also shared that he recently went through all the provinces of Canada and determined that CCE graduates are suited to practice safely in Canada. That is quite a rigorous process, which leads him to believe that educational standards are equivalent.

The Committee is unsure about the board exams. Dr. Walia and Dr. S. Chan indicated they had taken both exams and would feel comfortable with a Canadian chiropractor working in the US.

The Commission discussed [RCW 18.25.040 Licensure by endorsement](#), which applies to the territories of the United States and provinces of Canada.

A motion was made to include the provinces of Canada as substantial equivalency and approve the policy changes. The motion carried.

- 8.2 Betty Moe shared that the implementation of the Chiropractic X-ray Technician Rules has been completed, including updates to our licensing system and paper applications. Unfortunately, due to the implementation of HELMS Lite and current prioritization, the changes to our online applications are currently on hold.

We have not received any applications from instructors requesting course approval. Dr. Long and Dr. Clum shared that they are currently without an X-ray technician. Dr. Long will contact the Washington State Chiropractic Association and Dr. Vlasuk about potential course options/instructors. Betty was asked to contact Dr. Miller about the course.

- 8.3** Participation in the Fluoroscopic X-ray Rule Making—The Office of Radiation Protection is considering amending [WAC 246-225-050](#) to address technological advancements. These rules were filed under [WSR 24-03-137](#). Dr. B. Chan and Betty Moe attended the most recent meeting, which was held on June 18, 2024.

There are concerns about newer technology like Konica's DDR (dynamic digital radiography), which chiropractic clinics employ. The concern is dosage to patients and oversight of the use of this technology, as it has a higher output/dosage than standard plain radiography films. DOH believes that technology like DDR is really fluoroscopy, and therefore fluoroscopy rules should be written; hence, this workgroup is developing rules.

The Commission discussed the importance of having a DACBR participate in these calls and someone from WSCA. Betty was asked to contact WSCA about participating in the RAC meetings.

- 8.4** The Commission reviewed and made potential updates to [Telehealth Policy CH-3-19-20A](#) regarding the passage of [Engrossed Substitute House Bill 5481, the Uniform Telehealth Bill](#).

A motion was made to accept the proposed changes. The motion carried.

- 8.5** The Committee discussed the history of [WAC 246-808-565 Radiographic Standards](#) related to rulemaking.

Betty shared that the Commission approved filing the rules related to radiographic standards in April 2017. The Commission again reviewed additional comments at their January 2018 meeting. At that time a hearing was anticipated for July 2018. Around this time there were staffing changes in CQAC. (Fall of 2018 vacated early 2019).

COVID-19 delayed the rule-making process even further.

In July 2020, Dr. Smith presented information on radiology shielding improvements and federal regulations. In November 2020, proposed changes to the radiographic standards were included in the meeting packet. The Commission requested the topic at a future meeting after changes to national standards were confirmed.

In January 2021, the sexual misconduct rules became the Commission's priority. Those rules moved forward, and the rest of the rules package was never filed.

9. BUDGET REVIEW AND COMMITTEE UPDATES - Betty Moe, Director of Operations and Policy

- 9.1** The current Commission budget was not presented due to a concern with revenue reconciliation. A fix has been identified, and financial services are working to reconcile the transactions.

Overall, spending is only 91.59% of fiscal year allotments to date, so the fund balance is dropping slower than we had anticipated.

- 9.2** Updates on potential fee increases were shared. Betty shared that the CR-101 to increase fees has been drafted and will be filed in the first part of August. Fee changes are considered standard rulemaking; there will be CR-101, CR-102, and CR-103. Fee rules don't require the completion of the Significant Legislative Rules Analysis or Small Business Economic Impact Statement. The timeline for standard rules is 12–18 months. We expect to have at least two rule workshops before filing the CR-102.

10. DELEGATION OF DECISION MAKING – Tammy Kelley, Deputy Executive Director, and Christopher Gerard, Assistant Attorney General

- 10.1** The Commission reviewed and approved *Form 1-1-19C: Delegation of Decision-Making* to Health Law Judges.

A motion was made to approve the delegation of decision-making as drafted. The motion carried.

- 10.2** The Commission reviewed and approved the Delegation of Presiding Officer for Brief Adjudicative Proceedings.

A motion was made to adopt the Delegation of Presiding Officer for Brief Adjudicate proceedings as drafted. The motion carried.

11. DETERMINATION OF MAXIMUM DAILY MONETARY FINE FOR FAILING TO PRODUCE DOCUMENTS – Tammy Kelley, Deputy Executive Director, and Christopher Gerard, Assistant Attorney General

- 11.1** The Commission discussed and reviewed the maximum daily fine for failing to produce documents during an investigation under RCW 18.130.230. The maximum daily fine amount is \$100, and the total maximum allowed fine is \$5000.

A motion was made to review this topic biennially and set the fee at \$100/day with a maximum of \$5000. The motion carried.

12. 2024 NATIONAL AND STATE ACTIVITIES AND MEETINGS – Dr. Clum

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

- NBCE Spring Part IV Examinations, May 18-19, 2024, various locations, including Portland
 - Members who participated: Dr. B. Chan and Dr. Wise

Dr. B. Chan attended Dallas, which was his first time on that very nice campus. It was a long two days, with lots of questions. Testing will be increased to 48 times per year instead of twice a year as they do now.

Dr. Wise shared that there were many regular examination proctors, some of whom have been doing it for 20 years. There were lots of questions, and some were disappointed that it would not be continuing.

- NBCE Part IV Test Committee, June 8, 2024 - Greeley, CO
 - Member who participated: Dr. Clum
- Board, Commission, and Advisory Committee Leadership Conference, June 18, 2024 – Tumwater, WA
 - Members who participated: Dr. Wise and Dr. Walia

Dr. Wise – it was very informative and would have been a good introduction to a new Commission member. There was an AAG presenting and explaining prosecuting cases, rules, legislation, and the order for those proceedings. There was a general overview of how commissions and DOH work – a big push about improving access to mental health as well as the opioid epidemic. It was interesting to learn that the Dental Quality Assurance Commission gets 14% of the complaints overall. It was an educational meeting.

- The Ethics and Boundaries Assessment Services (EBAS) Test Development Committee, June 21-22, 2024 – Greeley, CO
 - Members who participated: Dr. Folweiler and Dr. Wise

Dr. Wise shared her attendance, which provided her with a better understanding of EBAS, even though they had attended a meeting and shared information with the Commission. The EBAS really asks the licensee to think about how their actions affected the person, others, and the profession.

Dr. Folweiler looked at the exam and at passing scores based on different scenarios. It was an interesting exercise. The test is also used for many other professions. Several assessment categories exist (Fraud, Boundaries, Substance Abuse, Unprofessional Conduct, and Professional Standards).

- 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
 - Staff interested in attending if a scholarship is available: Bob Nicoloff
 - Dr. Wise is interested in applying for a scholarship.
 - Dr. Walia is unsure whether he can go.
 - Judge Spector withdrew based on budgetary concerns.

Betty was asked to contact members interested in attending to determine who would attend on behalf of the Commission.

Dr. Clum clarified that participation in NBCE test committees is funded by NBCE, and the same goes for proctoring exams. As regulators, we have the expertise that NBCE is looking for. If you are a proctor at an examination, there isn't much information to bring back to the rest of the Commission.

- 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

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

13.1 An update on the animal manipulation project was provided.

Dr. Waldron shared that we have had two subcommittee meetings and one more scheduled soon. The Animal Manipulation Joint Task Force is scheduled for August 13th. The Task Force plans to complete the recommendations by the September meeting.

Dr. Senestraro and Dr. Sellon of the Veterinarian Board of Governors have been very supportive in helping us draft recommendations.

14. REQUESTS FOR EXEMPTIONS OR TIME EXTENSIONS TO COMPLY WITH CONTINUING EDUCATION REQUIREMENT POLICY CH 3.13.17 - Tammy Kelley, Deputy Executive Director

14.1 The Commission reviewed an updated draft of the policy for approval. The Executive Committee approval process has been going well. Susan Bogni, MPA, stated that she doesn't believe chiropractors who don't complete their CE due to being on vacation should be excused or given additional time to meet the CE requirements.

There was additional discussion that additional requests may require supporting documentation.

A motion to approve the Requests for Exemptions or Time Extensions with proposed changes was approved. The motion carried.

15. LICENSEE LIST REQUEST – Tammy Kelley, Deputy Executive Director

- 15.1** The Commission reviewed a request from the Washington State Chiropractic Association to be considered an approved professional association and educational organization so it could be eligible to request lists of licensees. A motion was made to approve the request, which carried.

16. IMPLEMENTATION OF ENGROSSED SUBSTITUTE HOUSE BILL (ESHB) 1503 – COLLECTING HEALTH CARE PROFESSIONALS’ INFORMATION AT THE TIME OF LICENSE APPLICATION AND RENEWAL - Betty Moe, Director of Operations and Policy

- 16.1** The Commission reviewed proposed questions and responses and discussed the Department of Health listening sessions.

17. COMMISSION NEWSLETTER AND TRAINING PLANNING -Tammy Kelley, Deputy Executive Director

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

18. STAFF REPORT AND PLANS - Tammy Kelley, Deputy Executive Director

- 18.1** Current projects and activities in the Commission office will be discussed.

Tammy shared that there has been lots of activity related to HELMS. We are participating in a HELMS training committee and a two-day summit at the end of July. The plan is that the credentialing module will roll out first, then the disciplinary module will happen later.

There will be a time when we work out of two systems. The HELMS team is currently working on that process. Many staff in other areas have been pulled to work on the HELMS team.

Our staff is being pulled to work on different aspects of the project. Jenny and Betty were also asked to do a lot of testing.

Angel is still with us as a temporary hire. Betty is working on interviews to fill that position next week. Jenny is doing an amazing job working on supporting credentialing and compliance.

- 18.2** Plans for the two-day meeting in September were discussed.

The 20th will be at DOH, and the 21st will be at South Puget Sound Community College Campus in Lacey. Typically, we cover our traditional meeting topics on Friday, then do training and other things on Saturday. In this case, we will have presenters as part of our Friday presentations. Possible presentation topics discussed include:

- Patrick Hager, Chief Investigator, will be available to speak about how his team fits in the Office of Investigative and Legal Services and what his team does to support the work of the Commission.
 - Judie Morton, Rayne Pearson, and Lydia Koroma, Office of Investigative & Legal Services, will discuss their office and the different staff roles.
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- Animal Chiropractic Draft Recommendations will be shared.
- Review of different specialties as it relates to HB 1503.
- Roman Dixon, Chief Health Law Judge, will discuss the role of panel members in hearings.
- Dr. Campion from the FCLB to speak on the Recognized Chiropractic Specialties Program.
- Understanding the Professional Services Corporation Act – Dr. Brian Chan
- Techniques, Modalities and Specialties – Dr. Clum
- HELMS Update – Ratna Craig and Elizabeth Geisler
- Rules workshop.

19. NEW BUSINESS REQUESTS – Commission Members

19.1 Commission members may request agenda items for future meetings. No new additional items were added.

20. PUBLIC COMMENT

20.1 Members of the public had an opportunity to address the Commission. There was no public comment provided.

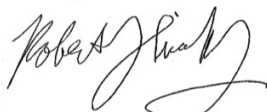
21. CORRESPONDENCE AND REPORTS

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

21.1 Licensee Statistical Report

22. ADJOURNMENT

22.1 The meeting adjourned at 2:18 p.m.



September 20, 2024

Prepared By: Robert Nicoloff, Executive Director

Date



September 20, 2024

Approved By: Vanessa Wise, DC, Chair

Date