



**WASHINGTON STATE CHIROPRACTIC QUALITY ASSURANCE COMMISSION  
BUSINESS MEETING MINUTES  
November 14, 2024 – 9:00 a.m.**

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

**Commission Members:**

Vanessa Wise, DC, Chair; William Davis, DC, Vice-Chair; Dana Clum, DC, Immediate Past Chair; Brian Chan, DC; Stephen Chan, DC; David Folweiler, 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; Susan Bogni, MPA, Executive Committee Public Member

**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, Office of Financial Services, Finance Officer  
Rachel Campbell, Office of Financial Services, Fee and Data Manager  
Rachel Sahi, HSQA, Policy Analyst  
Nicole Herrera, HSQA, OILS, Staff Attorney

**OPEN SESSION – Thursday, November 14, 2024**

**9:03 a.m.**

**1. CALL TO ORDER – Dr. Wise, Chair**

- 1.1** The agenda was approved, allowing items 9.1 and 9.3 to be presented at 9:30 to accommodate public member participation.

**2. MESSAGES FROM COMMISSION LEADERSHIP - Dr. Wise, Chair; Dr. Davis, Vice-Chair; Dr. Walia, Vice-Chair; Susan Bogni, MPA, Executive Committee Public Member; Dr. Clum, Immediate Past Chair**

- 2.1** Commission leadership had the opportunity to provide comments.

Dr. Wise welcomed everyone and shared that with the budget being stretched and the lack of new Commission members, we, as a Commission and staff, are under more strain and stress than normal. We are facing difficult challenges, from getting the new X-ray tech course off the ground to implementing HELMS. We are doing our best and really working hard to make our Commission great. She expressed appreciation for all the hard work associated with serving to uphold the Commission's duty of protecting the public.

Dr. Davis shared that he is thankful to be working with the Executive Committee.

Dr. Clum thanked all the members, acknowledging that those who are in practice and have other commitments are stretched thin to get everything done. She appreciates the work that everyone does and the staff who support the Commission and ensure we can fulfill our duty.

### **3. APPROVAL OF MEETING MINUTES – Dr. Wise**

**3.1** The September 20-21, 2024 Commission meeting minutes were approved as written.

### **4. 2024 NATIONAL AND STATE ACTIVITIES AND MEETINGS – Dr. Wise**

**4.1** The Commission discussed the following activities and meetings:

- FCLB District I & IV meeting, October 3<sup>rd</sup>– 6<sup>th</sup>, Scottsdale, AZ
  - Members attending: Dr. Wise
  - Staff attended with a FCLB scholarship: Bob Nicoloff
- NBCE Fall Part IV Examinations, November 9<sup>th</sup> - 10<sup>th</sup>, various locations including Portland
  - Members who participated: Dr. Davis (Dallas, Texas) and Dr. S. Chan (Portland, Oregon)

### **5. COMMISSION PLANNING FOR 2025**

**5.1** The following Commission business meeting dates and locations for 2025 were determined.

- January 30, 2025
- March 13, 2025
- May 8, 2025
- July 10, 2025
- September 11, 2025
- November 13, 2025

All meetings will be held at the Department of Health in Tumwater, WA, in person for all Commission members, and virtual access will also be provided.

**5.2** Member interest in participating in the following national and regional meetings was discussed:

- NBCE Part III Test Committee, Date to Be Determined, Greeley, CO
  - Members interested in participating:
    - Dr. S. Chan
    - Substitute – Dr. Folweiler
- NBCE Part II Test Committee, Date to Be Determined, Greeley, CO
  - Members interested in participating:
    - Dr. Davis
    - Substitute - Dr. Wise
- NBCE Part IV Examination, May 17<sup>th</sup>-18<sup>th</sup>, Various Locations, Including Portland
  - Members interested in participating:
    - Dr. S. Chan
    - Dr. Davis
- Federation of Chiropractic Licensing Boards (FCLB) annual conference and the National Board of Chiropractic Examiners (NBCE) delegate meeting, April 30<sup>th</sup> – May 4<sup>th</sup>, St. Louis, MO
  - Members interested in attending:
    - Dr. Wise
    - Judge Spector
    - Christopher Gerard will be applying for a scholarship to attend.

- Council on Licensure Enforcement and Regulation (CLEAR) annual conference, September 15<sup>th</sup> -18<sup>th</sup>, Chicago, Illinois
  - Members interested in attending:
    - Susan Jensen
    - Dr. Folweiler
- FCLB District I & IV meeting, September 25<sup>th</sup>– 28<sup>th</sup>, Omaha, Nebraska
  - Members interested in participating:
    - Dr. Davis
    - Christopher Gerard will be applying for a scholarship to attend.
- NBCE Part IV Examination, Date to Be Determined, Various Locations
  - Members interested in participating:
    - Dr. Davis
    - Dr. S. Chan

**5.3** Commission representatives were identified for the weekly DOH legislation review calls during the 2025 legislative session. The 2025 regular session begins on Monday, January 13, 2025, and is expected to last 105 days, ending on Sunday, April 27, 2025.

A motion was made to have Dr. Wise and Susan Bogni, MPA, as representatives. The motion carried.

## **6. COUNCIL ON CHIROPRACTIC EDUCATION OF AUSTRALASIA (CCEA) ACCREDITATION STANDARDS REVIEW– Executive Committee Members and Betty Moe, Director of Operations and Policy**

**6.1** Information was shared regarding the CCEA accreditation requirements compared to the Council on Chiropractic Education (CCE) accreditation requirements to determine whether the CCEA accreditation requirements meet the requirements of WAC 246-808-040(3)(d), (e), and (f).

The Commission was presented with CCE vs. CCEA meta-competencies. The competencies matched up very well. The CCEA schools are five-year programs, with 10 semesters in total, very similar to chiropractic colleges in the states. The Commission reviewed a breakdown of each of the schools that are accredited by CCEA and how the competencies translate to hours in comparison to what is required by Commission rules.

A motion was made that the Commission find that the accreditation standards of the Council on Chiropractic Education of Australasia (CCEA) meet the criteria in WAC 246-808-030. Therefore, the Commission now recognizes CCEA as an accrediting body. The motion carried.

## **7. BUDGET REVIEW & FEE RULE WORKSHOP - Betty Moe, Director of Operations and Policy**

**7.1** The current Commission budget was presented.

**7.2** The Department of Health and the Commission are conducting a rulemaking project related to licensing and renewal fees for Chiropractors and Chiropractic X-Ray Technicians to generate the revenue needed to license, discipline, and complete other regulatory work required to protect patient safety. Potential fee increase scenarios were discussed. Based on the trends with disciplinary-related costs, concerns were shared that the initial increase presented may not be enough to cover increasing costs.

Rachel Campbell, Fee and Data Manager, and Sheryl Hilt, Finance Officer with the Office of Financial Services, joined to share an overview of Commission finances and potential fee increase options.

The Commission created a list of topics and questions for the Commission Budget Committee:

- Fee increase options
- More information about DOH indirect costs
- The Commission's ability to influence the total DOH indirect costs? For example, how many people does DOH employ that results in indirect costs?
- How much does a disciplinary case cost? For example,
  - a. what's the average cost (and range) for cases closed immediately by a panel
  - b. what's the average cost (and range) for cases closed after investigation
  - c. other scenarios
- How can we better understand and control the costs of staff attorneys?
- How can we better understand and control the costs for investigators?
- How can we better understand and control the costs for the Office of the Attorney General?
- Is hiring our own staff attorney(s) a good idea? (Costs/Benefits/Risks)
- Is hiring our own staff investigators(s) a good idea? (Costs/Benefits/Risks)

## **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** Recommended amendments to the procedure on the initial and re-approval of Chiropractic X-Ray Technician programs were considered for approval. The Commission approved the proposed amendments. The motion carried.

**8.2** Recent meetings on the Fluoroscopic X-Ray Rule-Making Committee were discussed. The Office of Radiation Protection (ORP) is considering amending WAC 246-225-050 to address technological advancements. These rules were filed under WSR 24-03-137.

The ORP is still working on the definition of fluoroscopy versus serial radiography. Ms. Grassi pointed out that others, not just chiropractors, are using this technology. Beyond that, there was a discussion about radiation safety officers and protocols. The Commission discussed the need to have a DACBR attend. The next meeting is scheduled for December 10, 2024, from 2 to 4.

**8.3** Rules review will continue at the January 30, 2025, Commission Meeting. 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 be consistent with current laws and practice standards.

**8.4** The Commission discussed the Sports Medicine Licensure Clarity Act of 2017, which pertains to chiropractors traveling with a sports team to Washington, and its potential impacts on temporary practice permits.

In passing the Sports Medicine Licensure Clarity Act of 2017, Congress was trying to solve a problem by ensuring that a sports medicine professional's malpractice insurance would travel with them as they travel with the team. The Act applies to "covered sports medicine professionals", and chiropractors could fall under the definition.

The Commission received a presentation on the Sports Medicine Licensure Clarity Act of 2017 at a business meeting in 2019. After the presentation, the Commission was asked to consider whether an out-of-state chiropractor, who was not licensed in Washington, would be required to obtain a temporary practice permit if they provided chiropractic services in Washington under the terms of the

Act. At that time, the Commission did not make a decision.

A motion was made that the temporary practice permit requirements do not apply to sports medical professionals who qualify under the Sports Medicine License Clarity Act of 2017. The motion carried.

## **9. REQUEST FOR CHANGES TO THE COMMISSION CLASSIFIED LIST OF CHIROPRACTIC PROCEDURES AND INSTRUMENTATION – Commission Members**

- 9.1** The Commission discussed potential updates to the Policy for Considering Requests for Additions or Changes to the Commission Classified List of Chiropractic Procedures and Instrumentation. This policy has not been updated since June 12, 2014.

Mr. Nicoloff shared that the procedure was initially developed so requestors could provide background research related to their specific request. The policy references the Instrumentation and Procedures/Standard of Care Committee, which no longer exists. Mr. Nicoloff suggested that if there is a request, an ad hoc committee be created to look at individual requests.

The Commission discussed:

- A previous idea about retiring the instrumentation and procedures list and the importance of the list for staff answering questions consistently.
- The list is required by statute and rules regarding the diagnostic and analytical devices and procedures consistent with RCW 18.25.
- Potential impacts to complaints/investigations without maintaining the list.

A motion was made to create an ad hoc committee to review:

- the current policy;
- relevant statutes and rules; and,
- the current list for potential updates.

The motion carried. The ad hoc committee will be making recommendations to the full Commission.

Members interested in participating: Dr. Wise, Judge Spector, Dr. Clum, Dr. Folweiler, Dr. S. Chan, and Dr. Davis. These meetings will be public, and notifications will be sent via GovDelivery.

- 9.2** The Commission considered a request from Greg Kim, DC, to add shockwave therapy to the approved procedures and instrumentation list. Dr. Kim is asking that AcousTek Advanced Electrohydraulic ESWT Shockwave Therapy be approved. This procedure is currently listed as non-approved.

ESWT Shockwave Therapy was discussed by the Commission on June 8, 2017, at that time The Commission, via Committee, continued its review of a Classification of Chiropractic Procedures and Instrumentation List request pertaining to Extracorporeal Shock Wave Therapy (ESWT), also known as Acoustic Compression Therapy, and the chiropractic scope of practice in RCW 18.25.005 to designate a classification. It was determined that RCW 18.25.005 prohibits the application of sound as a treatment modality. If the scope of practice is changed to include the application of sound, the ESWT may be reconsidered.

The Commission discussed Dr. Kim's request as it was received. A motion to deny the request based on the statutory definition of chiropractic was made. The motion carried.

- 9.3** The Commission considered Jeffrey Word, DC's request to add mild hyperbaric oxygen therapy (mHBOT) to the list of approved procedures and instrumentation. Currently, it is listed as

investigational. No billing is allowed for procedures or instruments classified as investigational.

Dr. Word and Dr. Jason Sonners, DC, Certified Hyperbaric Practitioner, joined the Commission to discuss any questions related to mHBOT.

The Commission discussed:

- Uses of mHBOT
- Differences in pressure (regular HBOT and mHBOT)
- Number of treatments and patient cost
- mHBOT usage in other states
- Contraindications
- Chiropractic education on mHBOT

A motion was made to send this item to the ad hoc committee for further review and recommendations. The motion carried.

## **10. LICENSEE LIST REQUEST – Tammy Kelley, Deputy Executive Director**

- 10.1** The Commission reviewed a request from the American Academy of Manipulative Therapy (AAMT) to be considered an approved educational organization so they could be eligible to request a list of licenses. A motion was made to recognize AAMT as an educational organization. The motion carried.

## **11. COMMISSION NEWSLETTER AND TRAINING PLANNING -Tammy Kelley, Deputy Executive Director**

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

## **12. STAFF REPORT AND PLANS - Tammy Kelley, Deputy Executive Director**

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

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

- 13.1** Commission members may request agenda items for future meetings. No additional items were requested.

## **14. PUBLIC COMMENT**

- 14.1** Members of the public will have an opportunity to address the Commission.

Lori Grassi, Executive of Legislation and Policy, Washington State Chiropractic Association expressed concerns about the potential increases in licensing and renewal fees. She acknowledged that there would be fee increases, but a potential increase of up to \$400 in addition to what is being paid now raises many concerns. Lori requested a breakdown of possible costs and how the association can help brainstorm ideas to reduce the increase.

## **15. CORRESPONDENCE AND REPORTS**

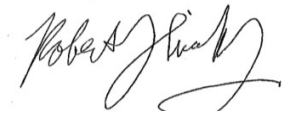
The following are informational items. The Commission acknowledged receipt of the items by a single motion without discussion.

- 15.1** Licensee Statistical Report, November 2024

- 15.2** Frequently Asked Questions (FAQ) Update on Cannabis Health and Hemp Consumable

16. ADJOURNMENT

16.1 The meeting adjourned at 3:07 p.m.



January 30, 2025

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Prepared By: Robert Nicoloff, Executive Director

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Date



January 30, 2025

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Approved By: Vanessa Wise, DC, Chair

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Date