



WASHINGTON STATE
CHIROPRACTIC QUALITY ASSURANCE COMMISSION
BUSINESS MEETING & WORKSHOP MINUTES
January 11th and 12th, 2020

DoubleTree by Hilton Hotel Olympia
Capitol Meeting Room
415 Capitol Way North
Olympia, WA 98501

Commission Members:

David Folweiler, DC, Chair, Judy Colenso, Public Member, Vice-Chair, Michael Bostjancic, DC, Vice-Chair, Susan Jensen, JD, Executive Committee Public Member, Maria Best, DC, Susan Bogni, Public Member, Brian Chan, DC, Stephen Chan, DC, Dana Clum, DC, William Davis, DC, Doug Long, DC, Gabe (Gary) Smith, DC, Matthew Waldron, DC, and Vanessa Wise, DC.

Staff Present:

Bob Nicoloff, Commission Executive Director
Jenny Yeam, Commission Licensing and Compliance Manager
Tammy Kelley, Commission Credentialing and Disciplinary Manager
Marlee O'Neill, DOH Legal Services Deputy Director
Christopher Gerard, Assistant Attorney General
Cori Tarzwell, DOH Policy Analyst (Only on January 11th)
Patrick Hager, DOH Chief Investigator (Only on January 12th)
Paul Bakala, DOH Supervising Investigator (Only on January 12th)
Michael Saunders, DOH Supervising Investigator (Only on January 12th)
Adam Wood, DOH Supervising Investigator (Only on January 12th)

Others Present: (All were present only on January 11th)

Lori Grassi, Lobbyist, Washington State Chiropractic Association
Melissa Johnson, JD, Lobbyist, Physical Therapy Association of Washington
Cory Osborne, DC

OPEN SESSION – Saturday, January 11, 2020

1. CALL TO ORDER – Dr. Folweiler 10:00 a.m.

- 1.1** The draft agenda was approved as submitted.
- 1.2** The draft meeting minutes for November 14, 2019 were approved as submitted.
- 1.3** Message from Commission Leadership

Dr. Folweiler thanked members and staff for taking the time on the weekend to participate in the meeting. He also indicated his belief that the case training session on Saturday will be particularly valuable for everyone.

2. ATTENDANCE AT 2020 NATIONAL MEETINGS AND ACTIVITIES

2.1 The Commission identified representatives to attend the following meetings and activities:

- Federation of Chiropractic Licensing Boards (FCLB) annual conference and the National Board of Chiropractic Examiners (NBCE) delegate meeting, April 22-26, 2020, Denver, CO
 - Dr. Wise, Dr. Waldron, Dr. Folweiler
- NBCE Spring Part 4 Examinations, May 15-17, various locations including Portland
 - Dr. S. Chan, Dr. Davis (Dr. Waldron and Dr. Wise are backups.)
- NBCE Part 3 Test Committee, May 22-23, Greeley, CO
 - Dr. Wise
- NBCE Part 4 Test Committee, June 12-13, Greeley, CO
 - Dr. Clum (Dr. Waldron and Dr. Best are backups.)
- Council on Licensure Enforcement and Regulation (CLEAR) annual conference, September 23-26, 2020, Seattle, WA
 - Ms. Bogni, Ms. Colenso, Dr. Bostjancic, Dr. Wise, Dr. Clum, Dr. S. Chan, Dr. Best
- FCLB District I & IV meeting, October 8-11, Lake Tahoe, NV
 - Ms. Bogni, Ms. Colenso, Dr. Wise, Dr. Davis, Dr. Folweiler
- NBCE Fall Part 4 Examinations, November 13 - 15, various locations including Portland
 - Dr. S. Chan, Dr. Davis

3. LICENSEES WHO HAVE AGREED TO EARLY REMEDIATION PLANS - RESPONDING ON CREDENTIALING ATTESTATIONS AND TO INQUIRIES FROM THE PUBLIC - Christopher Gerard and Tammy Kelley

- 3.1** Mr. Gerard discussed how licensees who have agreed to an early remediation plan can appropriately respond to questions regarding their disciplinary history on credentialing attestations. The Commission passed a motion requesting that staff and Mr. Gerard work together to add an item on early remediation to the FAQ section on the Commission's website.
- 3.2** Ms. Kelley discussed how staff respond to questions received in the Commission office regarding the disciplinary history of licensees who have agreed to an early remediation plan.

4. UPDATE ON THE WASHINGTON MEDICAL COMMISSION DRAFT INTERPRETIVE STATEMENT ON OSTEOPATHIC MANIPULATIVE THERAPY – Dr. Folweiler and Bob Nicoloff

- 4.1** The Commission received an update regarding the status and activities relating to the Washington Medical Commission draft interpretive statement titled "Allopathic Physicians Scope of Practice Relating to Osteopathic Manipulative Therapy, INS2019-0X".

5. PROBABLE 2020 PHYSICAL THERAPIST SPINAL MANIPULATION ENDORSEMENT LEGISLATION
– Melissa Johnson, JD, Lobbyist, Physical Therapy Association of Washington

5.1 Ms. Johnson discussed a proposed change to [RCW 18.74.190](#) that would continue to permit physical therapists to receive training in spinal manipulation from supervisors who hold out-of-state credentials and are not licensed in the State of Washington.

6. COMMISSION AND ASSOCIATION ROLES AND COMMUNICATIONS
– Bob Nicoloff and Lori Grassi

6.1 Mr. Nicoloff and Lori Grassi, Lobbyist, Washington State Chiropractic Association, discussed the respective roles of the organizations, and projects to increase the coordination of communications and work on issues of mutual interest. The Association and the Commission agree to work early and closely in the future on any legislation that impacts the chiropractic statute or rules ([RCW 18.25](#) or [WAC 246-808](#)).

7. PUBLIC COMMENT

7.1 Members from the public were provided an opportunity to address the Commission. No members of the public addressed the Commission.

8. UPDATE ON ANIMAL CHIROPRACTIC - Dr. Waldron

8.1 Dr. Waldron shared his latest research findings regarding animal chiropractic organizations as well as related practices in other states. In particular, the American Veterinary Chiropractic Association (AVCA) is an excellent resource on this topic. Toward the goal of providing a solid grounding for working with the Veterinary Board of Governors on this issue, Bob Nicoloff will make arrangements for a conference call between members of our Commission Animal Manipulative Therapy Committee, representatives of the Veterinary Board, and the AVCA.

9. COMMISSION STAFF REPORT - Bob Nicoloff and Tammy Kelley

9.1 Mr. Nicoloff and Ms. Kelley provided an update on activities in the Commission office.

9.2 Mr. Nicoloff mentioned that the Department of Health will again be holding weekly legislation update calls with representatives of each board. Dr. Wise and Ms. Bogni volunteered to serve as the Commission representatives for the calls during the 2020 legislative session.

10. CONTINUING EDUCATION vs CONTINUING COMPETENCY
- Bob Nicoloff

10.1 Mr. Nicoloff compared the elements and features of continuing education and continuing competency approaches utilized by licensing boards. He will continue to seek additional research and options from experts on continuing competency for presentation at future meetings.

**11. CONTINUING EDUCATION CREDITS FOR PARTICIPATION AS A COMMISSION MEMBER OR AT NATIONAL BOARD EXAMINATIONS
- Bob Nicoloff and Christopher Gerard**

11.1 The Commission discussed [WAC 246-808-150](#), related to chiropractor Commission members counting activities with the Commission and with national board examinations toward satisfying the continuing education requirement. Subsection (5)(p) of that rule states that governmental regulations relevant to chiropractic and public health are an approved category for continuing education, not to exceed twelve hours. The Commission approved a motion that work on the Commission or on the examination can be counted toward the continuing education requirement. The Commission also requested that Christopher Gerard draft an FAQ on this policy for review at the March meeting.

12. FOLLOW UP DISCUSSION REGARDING CHIROPRACTIC CLINIC OWNERSHIP AND OPERATIONS – Christopher Gerard

12.1 The Commission discussed statutes related to chiropractic clinic ownership and operating a chiropractic clinic.

13. RULES COMMITTEE REPORT - Susan Jensen, Judy Colenso, Dr. Folweiler, Cori Tarzwell, Bob Nicoloff

13.1 Rules Committee members reported on the status of the Commission’s rules packages. The Commission reviewed and approved the latest drafts of [WAC 246-808-590](#) Professional boundaries and sexual misconduct, [WAC 246-808-190](#) Approved preceptor, [WAC 246-808-510](#) Definitions, and [WAC 246-808-535](#) Delegation of services to auxiliary staff, postgraduate interns, and student interns. Documentation to move forward to hearings on these rules will be submitted to the Department of Health.

**14. RULES PROCESS OVERVIEW
- Cori Tarzwell**

14.1 Ms. Tarzwell reviewed the goals of and steps in the Washington State rules development and approval process.

**15. TELEHEALTH UPDATE
- Chris Gerard and Bob Nicoloff**

15.1 Mr. Gerard provided an update on the draft Commission telehealth policy. The Commission requested that the draft policy be distributed to provide an opportunity for stakeholders to give feedback and input, and the responses be brought back to the Commission for final consideration and approval.

15.2 Bob Nicoloff reviewed Senate Bill 6061 relating to requiring training standards in providing telemedicine services.

16. DETAILED BUDGET AND FINANCIAL OVERVIEW
- Bob Nicoloff

16.1 Mr. Nicoloff reviewed the components of the Commission's budget and finances.

17. LICENSEE EDUCATION PRESENTATION REVIEW
- Bob Nicoloff and Tammy Kelley

17.1 The Commission viewed the current draft licensee education presentation, and developed plans for its completion.

18. REFRESHER ON STATE TRAVEL AND PER DIEM REIMBURSEMENT
- Tammy Kelley

18.1 Ms. Kelley provided an overview of the rules and procedures regarding member reimbursement for travel, meals, and lodging while in travel status for State business.

19. NEW BUSINESS REQUESTS

19.1 Dr. Waldron recently became aware of the possible value of diagnostic ultrasound in chiropractic practice, and requested that Assistant Attorney General Christopher Gerard analyze if diagnostic ultrasound is within the current scope of practice of chiropractors in Washington.

19.2 Dr. Wise requested that staff look into opportunities for members to attend trauma informed sexual assault training.

19.3 Ms. Colenso suggested that the Commission give a priority to improving the website.

19.4 Ms. Colenso suggested that the Commission conduct periodic audits of compliance files to ensure that sanctions and other requirements are being met.

19.5 Dr. Waldron suggested that a review of the Joint Operating Agreement between the Commission and the Department of Health be added to a future meeting agenda.

19.6 The Commission discussed the possibility of changing names from Chiropractic Quality Assurance Commission to Chiropractic Commission in the future.

20. COMMISSION EVENING HOMEWORK ASSIGNMENT
- Bob Nicoloff and Dr. Folweiler

20.1 The Jurisprudence Examination Questionnaire to be completed by each member was reviewed.

21. PUBLIC COMMENT

21.1 Members of the public were provided a second opportunity to address the Commission. No members of the public addressed the Commission.

22. CONSENT AGENDA

(Items listed under the consent agenda (informational items) are routine matters. Items may be approved by a single motion of the Commission without discussion.)

22.1 Licensee statistical report dated 1/1/2020

This item was approved by the Commission without discussion.

23. ADJOURNMENT FOR THE DAY

23.1 The Commission meeting on January 11th adjourned at 6:35 p.m.

Sunday, January 12, 2020

1. CALL TO ORDER – Dr. Folweiler

8:30 a.m.

1.1 Dr. Folweiler called the meeting to order, and reviewed the agenda for the day.

2. MOCK DISCIPLINARY HEARING & DELIBERATIONS

2.1 For training purposes, Commission members and staff participated in a simulated disciplinary hearing and deliberation process.

3. CHIROPRACTIC QUALITY ASSURANCE COMMISSION COMMITTEES

<u>Committee 1</u>	<u>Committee 2</u>	<u>Committee Floating Member</u>
Dr. Bostjancic, Chair	Ms. Colenso, Chair	Dr. Folweiler
Dr. Best	Dr. Clum	
Dr. Waldron	Dr. S. Chan	
Dr. Wise	Dr. Smith	
Dr. Davis	Dr. Long	
Dr. B. Chan	Ms. Jensen	
Ms. Bogni		

3.1 Committee 1 Items:

3.1.1 Members of Committee 1 discussed and compared their individual ratings on the Jurisprudence Examination Questionnaire.

3.2 Committee 2 Items:

3.2.1 Members of Committee 2 discussed and compared their individual ratings on the Jurisprudence Examination Questionnaire.

4. COMMITTEE REPORTS

4.1 Committees reported to the Commission regarding their committee work.

5. PUBLIC COMMENT

5.1 Members of the public were given an opportunity to address the Commission. No members of the public were present.

6. ADJOURNMENT

6.1 The Commission meeting on January 12th adjourned at 1:20 p.m.



July 9, 2020

Prepared By: Robert Nicoloff, Executive Director

Date



July 9, 2020

Approved By: David Folweiler, DC, Chair

Date