



**WASHINGTON STATE**  
**CHIROPRACTIC QUALITY ASSURANCE COMMISSION**

**BUSINESS MEETING MINUTES**

**July 9, 2020**

**This was a public meeting held via a webinar**

**Commission Members on the call:**

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; Gabe (Gary) Smith, DC; Matthew Waldron, DC; and Vanessa Wise, DC.

**Staff Present:**

Bob Nicoloff, Commission Executive Director  
Tammy Kelley, Commission Credentialing and Disciplinary Manager  
Jenny Yeam, Commission Licensing and Compliance Manager  
Brandy Acuff, Health Services Consultant  
Barbara Cleveland, Credentialing Support  
Cori Tarzwell, Department of Health Policy Analyst  
Christopher Gerard, Assistant Attorney General

**OPEN SESSION – Thursday, July 9, 2020**

**9:00 a.m.**

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

**9:00 a.m.**

1.1 The meeting agenda was approved as submitted.

**2. ADDITIONAL COMMISSION LEADERSHIP NOMINATIONS – Dr. Folweiler, Chair**

2.1 At the June 4, 2020 meeting, current members in leadership were renominated for their respective positions for the one-year term beginning July 10, 2020, including chair Dr. David Folweiler, vice-chairs Judy Colenso and Dr. Michael Bostjancic, and Commission Executive Committee public member Susan Jensen. Before holding the elections, Commission members were provided an additional opportunity to nominate members for leadership positions. No additional members were nominated for the leadership positions.

**3. COMMISSION ELECTIONS – Dr. Folweiler, Chair**

3.1 The Commission unanimously reelected the current members in leadership positions for the one-year term beginning July 10, 2020.

**4. MESSAGES FROM COMMISSION LEADERSHIP – Dr. Folweiler, Chair**

- 4.1** Dr. Folweiler stated his appreciation to members and staff for continuing to accomplish the work of the Commission despite the impacts of COVID-19.

**5. APPROVAL OF MEETING MINUTES – Dr. Folweiler, Chair**

**5.1** The January 11-12, 2020 draft meeting minutes were approved as submitted.

**5.2** The January 22, 2020 draft meeting minutes were approved as submitted

**5.3** The March 19, 2020 draft meeting minutes were approved as submitted.

**5.4** The April 6, 2020 draft meeting minutes were approved as submitted.

**5.5** The June 4, 2020 draft meeting minutes were approved as submitted.

**6. COVID-19 UPDATE – Bob Nicoloff, Executive Director**

- 6.1** Mr. Nicoloff discussed a memo to all Department of Health staff from Jessica Todorovich, DOH Chief of Staff, regarding the significant work of the Department in dealing with the COVID-19 pandemic.

**7. 2020 NATIONAL ORGANIZATION MEETINGS – Bob Nicoloff, Executive Director**

**7.1** The Council on Licensure Enforcement and Regulation (CLEAR) annual conference in September has been changed to a virtual meeting because of the COVID-19 pandemic.

**7.2** The Federation of Chiropractic Licensing Boards (FCLB) district meeting in Lake Tahoe, Nevada is still scheduled as an in-person meeting, but because of COVID-19, we expect that it will be changed to a virtual meeting.

Commission staff will be contacting members soon to identify their interest in attending the two meetings.

**8. UPDATE ON THE WASHINGTON MEDICAL COMMISSION DRAFT INTERPRETIVE STATEMENT ON OSTEOPATHIC MANIPULATIVE THERAPY – Dr. Folweiler, Chair, and Bob Nicoloff, Executive Director**

- 8.1** There have been no further activities or actions by the Washington Medical Commission concerning its draft interpretive statement titled “Allopathic Physicians Scope of Practice Relating to Osteopathic Manipulative Therapy, INS2019-0X”.

**9. UPDATE ON 2020 PHYSICAL THERAPIST SPINAL MANIPULATION ENDORSEMENT LEGISLATION (SB 6407 AND HB 2482) – Bob Nicoloff, Executive Director**

**9.1** Bob Nicoloff discussed the status of activities related to [RCW 18.74.190](#) that permit physical therapists to obtain an endorsement to practice spinal manipulation.

**9.2** Melissa Johnson, Lobbyist, Physical Therapy Association of Washington, described how the training of physical therapists in spinal manipulation to qualify for the endorsement is changing on July 1, 2020. As a result of the change, training in spinal manipulation received by physical therapists from supervisors who hold out-of-state credentials and are not licensed in the State of Washington will no longer be recognized to meet the requirements for the endorsement.

**10. COLONIC HYDROTHERAPY WORKGROUP – Bob Nicoloff, Executive Director**

**10.1** The Commission was briefed on legislation that requested the Department of Health to study the regulation of colonic hydrotherapy. [RCW 18.25.005](#) prohibits chiropractors in Washington from performing this procedure.

Department of Health staff conducting the study have asked if the Commission would consider recommending that the statute be revised to permit chiropractors to perform colonic hydrotherapy.

None of the Commission members indicated an interest in this change to the statute.

**11. DISCUSSION REGARDING THE AMERICAN ASSOCIATION OF PHYSICISTS IN MEDICINE POSITION STATEMENT ON THE USE OF PATIENT GONADAL AND FETAL SHIELDING - Dr. Smith**

**11.1** Dr. Smith presented information regarding radiology shielding and the improvements in hardware and technology that results in lower radiation doses, and associated proposed changes to the American Association of Physicists in Medicine (AAPM) standards on radiographic imaging.

The Commission discussed how changes to national standards may result in needed changes to the Washington State rules in [WAC 246-808-565](#). A legal review of relevant Washington statutes may be required before the rule can be modified to reflect the new standards.

The Commission requested that this topic be discussed again at a future meeting after it is confirmed that the changes to the national standards proposed by the AAPM have been adopted.

**12. JOINT DOH/COMMISSION OPERATING AGREEMENT- Bob Nicoloff, Executive Director**

**12.1** Bob Nicoloff provided background and history regarding the joint operating agreement between the Commission and the Department of Health.

The agreement was last renegotiated in 2016, and it may be desirable to update it again soon.

The Commission decided to consider possible changes to the agreement at a future meeting.

**13. USE OF MUSCULOSKELETAL DIAGNOSTIC ULTRASOUND BY CHIROPRACTORS  
- Christopher Gerard, Assistant Attorney General**

- 13.1** Mr. Gerard discussed the issue of whether the utilization of musculoskeletal diagnostic ultrasound imaging is permitted under the chiropractic scope of practice in Washington, [RCW 18.25.005](#).

Based on his review of the statute and the relevant legislative history, he believes there is a legally defensible argument that the use of musculoskeletal diagnostic ultrasound imaging is within the scope of practice.

In the interim, the Commission decided to remove “For Non-Invasive Vascular Exams – Approved with appropriate training to include but not limited to: Doppler, Duplex, and Plethysmography” from the “Diagnostic Ultrasound” procedure showing on the Commission’s [Classification of Chiropractic Procedures and Instrumentation List](#).

The Commission also agreed to address this topic in future rule making.

**14. DRAFT FAQ REGARDING CONTINUING EDUCATION CREDITS FOR PARTICIPATION AS A COMMISSION MEMBER OR AT NATIONAL BOARD EXAMINATIONS  
- Christopher Gerard, Assistant Attorney General, and Bob Nicoloff, Executive Director**

- 14.1** The Commission reviewed a draft Frequently Asked Questions (FAQ) related to chiropractor Commission members counting activities with the Commission and with the administration of national board examinations toward satisfying the continuing education requirement in [WAC 246-808-150](#). 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.

Additional activities that Commission members perform such as creating examination content for national examinations were identified.

The Commission decided to consider expanding the FAQ at its next meeting on September 10<sup>th</sup>.

**15. BUDGET AND FINANCIAL OVERVIEW - Bob Nicoloff, Executive Director**

- 15.1** Mr. Nicoloff provided an overview of current Commission financial matters.

**16. UPDATE ON ANIMAL SPINAL MANIPULATIVE TASK FORCE  
- Bob Nicoloff, Executive Director**

- 16.1** Plans for the first meeting of the joint Commission – Veterinary Board of Governors Animal Spinal Manipulation Task Force are progressing, and it is expected to be held in October.

## **17. JURISPRUDENCE EXAMINATION ANALYSIS DISCUSSION**

**- Bob Nicoloff, Executive Director**

**17.1** The Commission reviewed the results of the jurisprudence examination content surveys completed by members at the January meeting.

## **18. TRAINING EXERCISE AND NEWSLETTER MATRIX – Bob Nicoloff, Executive Director**

**18.1** Mr. Nicoloff stated that the next newsletter is to be distributed soon. He also discussed the ideas for future Commission training exercises, and requested suggestions for the list from the Commission.

Ms. Kelley stated that the all previously published newsletters will be posted on the Commission website within the next two weeks.

Mr. Nicoloff also mentioned that the full list of past Commission meeting minutes will be added to the Commission website soon.

Mr. Gerard, Assistant Attorney General, recommended training on Robert's Rules at a future meeting after new members are appointed to the Commission.

## **19. RULES REPORT – Bob Nicoloff, Executive Director**

**19.1** Mr. Nicoloff indicated that updated directives from the Governor and Legislature regarding topics that can be covered at board meetings during the COVID-19 pandemic now permit the discussion of rules changes and the scheduling of rules hearings. With the restriction removed, Commission staff will be focusing on getting the Commission's rules process back on track.

## **20. STAFF REPORT –Tammy Kelley, Credentialing and Disciplinary Manager**

**20.1** Ms. Kelley indicated that, in accordance with the Governor's COVID-19 budgetary directives, Commission staff are being furloughed on Mondays during July, and that future furlough days will occur once per month through November. Ms. Kelley also stated that employee salary increases scheduled for July were cancelled by the Governor.

## **21. NEW BUSINESS REQUESTS**

**21.1** Dr. Gabe Smith requested that the 48-hour training course required to register as a chiropractic x-ray technician be allowed to be completed via multimedia during the COVID-19 pandemic. The Commission decided to add this topic to the September meeting agenda, and to invite chiropractic x-ray technician education instructors Dr. Susan Vlasuk and Dr. John Miller to participate in the discussion.

Ms. Colenso inquired if there will be disciplinary hearings during COVID-19. Mr. Gerard explained some of the approaches being considered to holding hearings again.

Ms. Colenso also requested that the Commission discuss at a future meeting a recent Washington Medical Commissions study on licensees who have been repeatedly disciplined.

**22. PUBLIC COMMENT**

**22.1** Ms. Lori Grassi, Lobbyist, Washington State Chiropractic Association, indicated that it has submitted nominations to the Office of the Governor for upcoming Commission position vacancies.

Dr. Folweiler thanked three members whose terms on the Commission are ending, Drs. Long, Smith, and Waldron, for their service with the Commission.

**23. CONSENT AGENDA**

Items listed under the consent agenda are informational. Receipt of the information was acknowledged by the Commission.

**23.1** Licensee statistical report as July 1, 2020

**23.2** Oregon Board of Chiropractic Examiners Hemp and Marijuana Derived Products Policy dated January 16, 2020

**23.3** New England Journal of Medicine - Modernizing Scope-of-Practice Regulations article

**24. ADJOURNMENT**

**24.1** The Commission meeting adjourned at 11:21 a.m.



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**Prepared By: Robert Nicoloff, Executive Director**

September 10, 2020

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**Date**



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**Approved By: David Folweiler, DC, Chair**

September 10, 2020

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**Date**