



**WASHINGTON STATE**  
**CHIROPRACTIC QUALITY ASSURANCE COMMISSION**  
**BUSINESS MEETING MINUTES**  
**September 10, 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, Michael Long, DC, Rebecca Taylor, DC, Jas Walia, 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  
Cori Tarzwell, Department of Health Policy Analyst  
Christopher Gerard, Assistant Attorney General

**OPEN SESSION – Thursday, September 10, 2020**

**9:00 a.m.**

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

1.1 The meeting agenda was approved as submitted.

**2. MESSAGES FROM COMMISSION LEADERSHIP**

2.1 Dr. Folweiler welcomed new Commission members Dr. Michael Long, Dr. Rebecca Taylor, and Dr. Jas Walia. Commission and staff members introduced themselves.

**3. APPROVAL OF MEETING MINUTES**

3.1 The draft July 9, 2020 meeting minutes were approved as submitted.

**4. CHIROPRACTIC X-RAY TECHNICIAN REGISTRATION – ALTERNATIVES TO THE REQUIRED CLASSROOM INSTRUCTION DURING THE COVID-19 PANDEMIC  
- Bob Nicoloff, Executive Director, and Christopher Gerard, Assistant Attorney General**

4.1 [WAC 246-808-215](#) requires “completion of a course of classroom instruction” to obtain a chiropractic x-ray technician registration. The Commission discussed a request to temporarily permit chiropractic x-ray technician coursework to be provided online or virtually during the period of the COVID-19 pandemic.

- 4.2 The Commission passed a motion by a vote of 13 to 1 to amend the agenda and add an executive session pursuant to [RCW 42.30.110\(1\)\(i\)](#).
- 4.3 The Commission met in executive session to discuss with legal counsel representing the Commission agency litigation or potential litigation to which the Commission is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the Commission pursuant to [RCW 42.30.110\(1\)\(i\)](#). The executive session began at 11:50am and ended at 12:20pm.
- 4.4 The Commission continued its discussion and passed a motion to issue a statement clarifying that the Commission interprets “classroom” in [WAC 246-808](#) to only include “in-person” instruction and not any form of “virtual” instruction. However, the Commission will not find X-ray technicians or approved educational programs deficient if “classroom instruction” is provided virtually with interaction between the instructor and student. The statement will also clarify that this position will remain effective until the Commission withdraws this position at an open public meeting or until the Governor issues a proclamation declaring the termination of the state of emergency declared by [Proclamation 20-05](#), as amended by any subsequent amendatory proclamations, whichever is earlier.

**5. 2020 NATIONAL ORGANIZATION MEETINGS – Bob Nicoloff, Executive Director**

- 5.1 Bob Nicoloff updated the Commission on the status and planned attendance of members at the remaining national meetings in 2020.
- Council on Licensure Enforcement and Regulation (CLEAR) annual conference, primarily online recorded sessions (on demand) are available beginning September 14<sup>th</sup>, with some supplemental live online follow-up sessions September 21<sup>st</sup> to 25<sup>th</sup>
  - Federation of Chiropractic Licensing Boards (FCLB) district meeting, virtual, October 7<sup>th</sup> and 8<sup>th</sup>
  - National Board of Chiropractic Examiners (NBCE) Part IV Commission Member participation, November 13<sup>th</sup> to 15<sup>th</sup>, multiple locations

**6. UPDATE REGARDING THE PHYSICAL THERAPIST SPINAL MANIPULATION ENDORSEMENT PROCESS – Bob Nicoloff, Executive Director**

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

**7. APPLICABILITY OF PROVISIONS OF HOUSE BILL 1608 TO CHIROPRACTIC CLINICS  
– Christopher Gerard, Assistant Attorney General**

**7.1** Christopher Gerard discussed [Engrossed Substitute House Bill 1608](#) prohibiting health care entities from limiting health care providers' ability to give medically accurate information to their patients if a provider is acting in good faith, within the provider's scope of practice, education, training, and experience, including specialty areas of practice and board certification, and within the accepted standard of care. This law also requires health care entities to provide a copy of [Department of Health created information](#) regarding this law at the time of hire, contracting, or privileging health care providers and staff, and provided again yearly thereafter.

**8. REMINDER REGARDING SENATE BILL 6061 – TELEMEDICINE TRAINING  
– Bob Nicoloff, Executive Director**

**8.1** [Senate Bill 6061](#) requires that, beginning January 1, 2021, telemedicine providers (those who provide clinical services through telemedicine, other than a physician licensed under chapter [18.57 RCW](#) (osteopathic physicians) or chapter [18.71 RCW](#) (medical doctors)) must complete a telemedicine training. The training may be provided by the [Telemedicine Collaborative](#), hospitals and other health care facilities, continuing education courses, or health care professional boards or commissions.

**9. DRAFT UPDATED FAQ REGARDING CONTINUING EDUCATION CREDITS FOR PARTICIPATION AS A COMMISSION MEMBER, AS A REPRESENTATIVE IN NATIONAL BOARD EXAMINATIONS, AND OTHER ACTIVITIES  
- Christopher Gerard, Assistant Attorney General and Bob Nicoloff, Executive Director**

**9.1** The Commission reviewed and adopted an updated frequently asked questions document on continuing education recognition of several activities defined in [WAC 246-808-150](#).

**10. CONSIDERATION OF A REQUEST FOR LICENSEE LIST AND LABELS  
– Tammy Kelley, Credentialing and Disciplinary Manager**

**10.1** The Commission approved a request from Seattle Central Community College for a licensee list and labels.

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

**11.1** A report on the Commission's current budget and finances was reviewed.

**11.2** The goals and finances related to the Department of Health Healthcare Enforcement and Licensing Modernization Solution (HELMS) were discussed.

**11.3** The 2021 Department of Health Budget and Legislative Requests document was reviewed.

## **12. POLICIES AND RULES REPORT – Bob Nicoloff, Executive Director**

### **12.1** Draft FAQ for the Commission website on the Early Remediation Program – [WAC 246-808-050](#), [WAC 246-808-060](#), and [WAC 246-808-070](#)

The Commission adopted the FAQ.

### **12.2** AIDS Education and Training Requirements Policy

[House Bill 1551](#) has repealed AIDS education and training requirements for all health professionals obtaining registration, certification, and licensure. As a result, all health professionals are no longer required to obtain AIDS education and training as a condition of licensure. The intent of Bill 1551 is to help reduce stigma toward people living with HIV/AIDS by not singling out AIDS as an exceptional disease requiring special training and education separate from other communicable health conditions. Soon the Commission will begin the rules process to repeal the requirement for AIDS training in [WAC 246-808-105](#). The Commission adopted an interim policy to no longer require this training for the chiropractor license.

### **12.3** Sexual Misconduct Rule Revisions

Earlier this year the Commission identified potential improvements to its rule on Sexual Misconduct, [WAC 246-808-590](#). Recently, Judy Colenso, Commission Vice-Chair, identified additional potential improvements to the rule. The Commission reviewed and incorporated additional revisions to the draft rule for moving forward with the rule adoption process.

### **12.4** Status of other Commission rule changes

The list of rules completed and rules in process was reviewed.

## **13. UPDATE ON THE ANIMAL SPINAL MANIPULATION TASK FORCE - Bob Nicoloff, Executive Director**

### **13.1** Plans for the first meeting of the joint Chiropractic Commission – Veterinary Board Animal Spinal Manipulation Task Force were discussed.

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

### **14.1** Tammy Kelley discussed:

- the availability of a chaperone training course for possible inclusion in developing sanctions in sexual misconduct cases,
- licensee expiration extensions ending September 30<sup>th</sup>, and,
- other current projects and activities in the Commission office.

**15. DRAFT BRIEFING PAPER FOR NEW DOH SECRETARY– Bob Nicoloff, Executive Director**

**15.1** The current Secretary of the Department of Health, Dr. John Wiesman, has announced that he will be leaving his position in early 2021. The Commission reviewed a briefing paper on topics and issues to discuss with the new Secretary during the transition process.

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

**16.1** The Commission reviewed the current training exercise and newsletter article matrix.

**17. NEW BUSINESS REQUESTS – Commission Members**

**17.1** There were no requests for new business.

**18. PUBLIC COMMENT**

**18.1** Lori Grassi, WSCA Legislative & External Affairs Director, provided an update regarding Association legislative and board activities.

**19. CONSENT AGENDA**

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

**19.1** Licensee statistical report as of September 1, 2020

**19.2** Commission Newsletter – 2020, Edition 1

**19.3** CLEAR Professional and Occupational Regulatory Structures Report – Highlights

**19.4** Letter from the National Board of Chiropractic Examiners regarding their COVID-19 response

**20. ADJOURNMENT**

**20.1** The meeting adjourned at 1:01 p.m.



November 12, 2020

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

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**Date**



November 12, 2020

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

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**Date**