



WASHINGTON STATE
CHIROPRACTIC QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
November 16, 2023

This was a public meeting held in person and online.

Commission Members:

Dana Clum, DC, Chair, Jas Walia, DC, Vice-Chair, Vanessa Wise, DC, Vice-Chair, Executive Committee Public Member, David Folweiler, DC, Immediate Past Chair, Brian Chan, DC, William Davis, DC, Michael Long, DC, Susan Jensen, JD, Public Member, Judge Julie Spector (ret.), Public Member, and Benjamin Zepeda, DC.
Commission Members Absent: Susan Bogni, MPA, Public Member, and Stephen Chan, 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

OPEN SESSION – Thursday, November 16, 2023

9:00 a.m.

1. CALL TO ORDER – Dr. Clum, Chair

1.1 The agenda was approved as written.

2. MESSAGES FROM COMMISSION LEADERSHIP - 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

2.1 Commission leadership had the opportunity to provide comments.

Dr. Clum thanked everyone for attending the meeting and their dedication to the Commission. She congratulated Betty Moe on her new role.

Dr. Walia expressed appreciation for the Commission's accomplishments this year.

Dr. Folweiler thanked everyone and indicated it was nice to see everyone in person.

Dr. Wise echoed everyone's sentiments and thanked staff.

3. APPROVAL OF MEETING MINUTES – Dr. Clum

3.1 The meeting minutes from September 14, 2023 were approved as submitted.

4. 2023 NATIONAL AND STATE ACTIVITIES AND MEETINGS – Dr. Clum

4.1 The Commission discussed the following activities and meetings:

- Council on Licensure Enforcement and Regulation (CLEAR) annual conference, September 27th – 30th, Salt Lake City, Utah, attended by Dr. Zepeda

Dr. Zepeda said the meeting was a lot to take in. It was challenging to keep up with all the different seminars. He noted that he didn't realize how large the organization was and all that was involved. It was a great learning experience.

- FCLB Districts I & IV meeting, October 5th - 8th, Keystone, South Dakota, attended by Dr. Davis and Dr. Wise

Dr. Wise said it was a very interesting meeting and she learned a great deal. Dr. Craig Little with the Council on Chiropractic Education presented and talked about the innovations in technology and how it can work to our advantage.

Dr. Davis noted that the meeting really reinforced what we are doing as a Commission. Washington leads the way and we are much more advanced than other jurisdictions.

- NBCE Fall Part IV Examination, November 11th -12th, various locations including Portland, Oregon, attended by Dr. S. Chan and Dr. B. Chan

5. 9:20 A.M. - RULES HEARING

5.1 Rules Hearing on Chiropractic X-ray Technician Requirement - WAC 246-808-201 to WAC 246-808-215

The Commission held a public rules hearing, pursuant to [RCW 43.05.325](#), to accept oral comments from the public on proposed rules for WAC 246-808-201, 246-808-203, 246-808-205, 246-808-207, 246-808-209, 246-808-211 and repealing 246-808-215.

The Commission proposed changes to rules concerning Chiropractic X-ray Technician course requirements including requirements for course instructors, and updates to the requirements for obtaining, maintaining, and returning from expired status. The Commission is also adopting continuing education requirements to reflect requirements in [Engrossed Substitute Senate Bill \(ESSB\) 5229 \(chapter 276, Laws of 2021\)](#).

The Commission filed form CR-102 with the Office of the Code Reviser on September 25, 2023 under [WSR 23-20-026](#).

Testimony was provided by Dr. Daniel Greenlee, Dr. Kenneth Briggs, Dr. John Miller, and Dr. Susan Vlasuk

The hearing was concluded at 9:39 a.m.

5.2 Commission discussion and consideration of rule adoption

The Commission discussed the oral testimony, as well as written testimony and comments, and formulated responses to the testimony.

The Commission approved a motion to file a CR103 to adopt the proposed rules, have the rules take effect July 1, 2024, and made non-substantial amendments to the proposed rule.

6. PRESENTATION ON THE COUNCIL ON CHIROPRACTIC EDUCATION (CCE)

– Craig S. Little, Ed.D., CCE President and CEO

6.1 Dr. Little presented an update on current activities at CCE to include:

- An overview of accreditation
- Who is the CCE?
- Application for initial accreditation
- Innovation in DC education
- Regulatory landscape

7. IDENTIFYING CHAIRS FOR COMMISSION STANDING COMMITTEES – Dr. Clum

7.1 Dr. Clum designated Commission members to serve as chairs of Commission standing committees, as required in Article VII of the Commission Bylaws.

The designations made were:

- Rules Committee Chair – Dr. Clum
- Budget Committee Chair– Dr. Long
- Training/Mentoring Committee Chair – Dr. Clum
- Examination Committee Chair – Dr. Wise

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 presented a proposal to create a policy and form for the approval of Chiropractic X-Ray technician courses. The Commission approved the request. The Committee will bring the policy back to the Commission for review and approval.

8.2 Updates on rules, legislation, and policies was provided, including:

- A [CR-103 package requiring health equity continuing education \(CE\)](#) for chiropractors was filed. This rule became effective on November 3, 2023, which is 31 days after the filing of the CR-103.

The Commission adopted the health equity continuing education model rules in amended section WAC 246-808-150 to implement Engrossed Substitute Senate Bill (ESSB) 5229 (Chapter 276, Laws of 2021). The adopted rule establishes minimum standards for chiropractors of two hours of health equity CE every four years beginning January 1, 2024.

The rule as adopted does not change the total number of CE hours but requires two hours in health equity CE every four years, which is absorbed into the existing number of CE hours required.

The Department of Health has developed [Health Equity Continuing Education](#) webpage. This page includes information on continuing education training including free options.

- Impacts of [House Bill 1724](#) on chiropractor licensing requirements.

As discussed at the last meeting, HB 1724 began as a behavioral health focused bill. However, section 8 was added, which creates an alternative path for endorsement.

HB 1724 creates a pathway to licensure for chiropractors who have been credentialed for at least two years in a state with substantially equivalent requirements and mandates waiving education, training, experience, and exam requirements (including jurisprudence examinations (JP)). Applicants must also not have any interruption in licensure lasting longer than 90 days. There is also an option to allow national certification to qualify as meeting licensure requirements.

All applicants, whether due to licensure in another state, or national certification must also:

- Not be subject to denial or issuance of a conditional license;
- Have not been subject to disciplinary action for unprofessional conduct or impairment in any state federal or foreign jurisdiction in the two years preceding their application or during the pendency of their application; and
- Not be under investigation or subject to charge in any state, federal, or foreign jurisdiction during the pendency of their application.

We are working with the Office of Health Professions (OHP) on implementation of section 8.

Discussed possibility of filing a CR-105 also discussed OHP doing a full rules process to implement as part of WAC 246-12.

- Commission member *Military Spouse Cultural Competency Training* required by [House Bill 1009](#) - All staff and 10 Commission members have completed the training, we are on track to have training completed by the end of the year.
- Sending reminders to licensees regarding the ending of two temporary COVID policies:
 - [COVID-19 and Continuing Education for Chiropractors](#), ending on November 17th.
 - [Chiropractic X-ray Technicians and Classroom Hours](#), ending on November 20th.The Commission felt it was a good idea to send reminders on these temporary policies.

9. BUDGET REVIEW AND BUDGET COMMITTEE REPORT

- Betty Moe and Committee Members - Dr. Clum, Dr. S. Chan, Dr. Davis, Dr. Long, Judge Spector (ret.), and Jim Slakey (Protem Member)

- 9.1 The Department of Health was not able to provide current budget and finance information in time for the meeting to present to the Commission. There was a coding error that needs to be corrected before we have more finalized information. We are hopeful that we will have concrete budget numbers by the end of the year.

Betty said that once she receives the data, she will be scheduling a meeting with the Budget Committee.

Dr. Clum expressed concerns that we were told at the last meeting that we would have additional financial information, and yet we still haven't received this information.

- 9.2 The Budget Committee presented information about the costs of Commission meetings at different locations as well as hybrid in-person/online options to assist the Commission in making decisions regarding the 2024 meeting locations.
- 9.3 The Budget Committee presented updates to the Budget Committee Policy CH 2-12-09.2 for Commission approval. The updates were approved by the Commission.

10. **REQUEST REGARDING DEPARTMENT OF LABOR & INDUSTRIES (LNI) GEOGRAPHIC DATA PROJECT – Dr. Clum, Darrin Adams, LNI Data Scientist, and Mina Moghaddami, DOH Epidemiologist**

- 10.1 At the September 14, 2023 meeting the Commission discussed a Washington State Department of Labor & Industries request regarding a project to identify the number of health care providers in each geographic region. The Commission asked that additional information on the project be presented at today's meeting. Darrin Adams and Mina Moghaddami were available to answer questions regarding the project.

Darrin explained the data being shared and how the data would be used. After much discussion, the Commission considered a motion on participating in the data-sharing request.

Approved -4, Abstained – 1, No – 4. The motion did not carry. The Commission decided to not to participate in the data-sharing agreement.

11. **ANIMAL MANIPULATION PROJECT UPDATE**

- 11.1 Susan Jensen, JD, Dr. Folweiler, and Dr. Wise discussed the research project to gather provider requirements and best practices in licensing animal manipulation and animal chiropractic in other states.

Susan Jensen, JD shared that they are in the process of surveying all 50 states to look for trends and best practices. We are looking at chiropractic and veterinary requirements throughout the states and answering a data set of common questions. Dr. Folweiler and Dr. Wise have both been overachievers, we only have a few states left. Soon, our research will be turned over to staff for consolidation.

We expect that we will bring the summary to the Commission at the January meeting. Dr. Waldron is working on an article for the next edition of the Commission newsletter.

- 11.2 Bob Nicoloff, Executive Director discussed his participation at the October meeting of the Veterinary Board of Governors.

12. COMMISSION PLANNING FOR 2024

- 12.1 Dates and locations, in-person and/or virtual, for Commission business meetings in 2024, including possibly a Commission retreat, were identified.

January 11, 2024 – Remote meeting of Commission. Staff will be onsite.

March 14, 2024 – In-person meeting of the Commission.

May 9, 2024 – In-person meeting of the Commission.

July 11, 2024 – Remote meeting of the Commission. Staff will be onsite.

September 20-21, 2024 – In-person meeting of the Commission.

November 14, 2024 – In-person meeting of the Commission.

The Commission asked if the LNI contract extends to the Tukwila location that the meetings to be held in Tukwila, if not, meetings to be scheduled in Tumwater.

The meeting dates and locations were approved for 2024.

- 12.2 Members interested in participating in the following national and regional meetings were discussed:

- NBCE Part III Test Committee, March 8-9, 2024, Greeley, CO
 - Members interested in participating- Dr. Folweiler
- NBCE Part II Test Committee, April 19-20, 2024, Greeley, CO
 - Members interested in participating- Dr. Folweiler and Dr. Wise
- Federation of Chiropractic Licensing Boards (FCLB) annual conference and the National Board of Chiropractic Examiners (NBCE) delegate meeting, May 1-5, 2024 - Phoenix, Arizona
 - Member interested in attending – Dr. Walia
 - Assistant Attorney General Christopher Gerard indicated that he has been asked to speak at this conference.
 - The Commission also discussed that FCLB also has a scholarship to fund member attendance.
- NBCE Spring Part IV Examinations, May 18-19, 2024, various locations including Portland
 - Members interested in participating – Dr. B. Chan and Dr. Wise
- NBCE Part IV Test Committee (Only If Invited), June 8, 2024 - Greeley, CO
 - Members interested in participating - Dr. Clum and Dr. Folweiler
- Council on Licensure Enforcement and Regulation (CLEAR) annual conference, September 16-19, 2024 - Baltimore, Maryland
 - Members interested in attending – Susan Jensen, JD
 - Staff interested in attending - Bob Nicoloff
- FCLB District I & IV meeting, October 3-6, 2024 - Scottsdale, AZ
 - Members interested in attending – Dr. Wise, Judge Spector, and Dr. Walia
- NBCE Fall Part IV Examinations, November 9 - 10, 2024, various locations including Portland
 - Members interested in participating - Dr. Davis and Dr. B. Chan

The Commission requested a cost estimate for attending national meetings to assist in further decision-making on member attendance.

- 12.3 Dr. Wise and Susan Bogni, MPA were selected as Commission representatives for the weekly DOH calls on proposed legislation during the 2024 legislative session.

13. COMMISSION NEWSLETTER AND TRAINING PLANNING

- **Tammy Kelley, Deputy Executive Director**

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

14. STAFF REPORT

- **Tammy Kelley, Deputy Executive Director, Betty Moe, Director of Operations and Policy, and Bob Nicoloff, Executive Director**

- 14.1 The Commission approved a motion to update the delegation of signature authority form to include the Director of Operations and Policy to approve routine applications, Notice of Decisions, and Notice of Determinations.

Tammy welcomed Betty as the CQAC Directors of Operations and Policy. Tammy also shared that our credentialing representative left the Commission on October 1st. Jenny has been doing both jobs and has done so many times over the past six years. She is doing a great job but holding down two desks is difficult. Betty will be working on recruitment efforts to fill our vacant position.

Tammy shared that Lacey Fehrenbach with DOH has stepped into the role as Executive Sponsor for HELMS. Changes are being put into place to provide the leadership and management support for the project team and to better align our project resources with Project Management best practices, WATech recommendations, and the significant information technology effort that is ahead of us.

Currently, the project team is focused on delivering the HELMS Lite release, which is a replacement for the Online Licensing and Information Collection (OLIC) system used for our initial application process. The scope for HELMS Lite includes replacement of OLIC for our initial application process, workforce surveys, and implementation of prior legislation related to initial applications online. HELMS Lite is scheduled for release at the end of the first quarter in 2024.

Credentialing work is scheduled to start in the first quarter of 2024 and run parallel with HELMS Lite work. It will continue to build out our portal giving our credential holders access to renewals and expired applications. Credentialing work is targeted to finish the fourth quarter of 2024.

Finishing out the HELMS project will be work on Enforcement as well as any functionality not in ILRS and not yet in HELMS, as well as recognized designated programs work. This work is targeted to be delivered in 2025.

Onsite, they have started construction at our office building on the first floor. There are multiple phases to getting our new location in the building completed.

14.2 Current projects and activities in the Commission office will be discussed.

Betty shared they are currently working through the process of procuring a new scanner. Our current scanner has reached the end of its life, and we are no longer able to have a maintenance agreement due to the age of our machine. We are working with our partners in IT as well as the approved vendor to determine the best way to meet the needs of the Commission going forward. The specific line item related to equipment has been updated to support this purchase. This was done at the request of staff to ensure that we would be able to purchase equipment crucial to Commission operations.

Bob Nicoloff shared that he, as well as the other executive directors of the other two independent commissions, attended the Pharmacy Commission meeting. It was a very interesting discussion and ended up being much longer than expected. Bob shared a lot of the history of the boards and Commission and how it has been transitioned over time. Bob has been invited to both Washington Board of Nursing and Washington Medical Commission meetings to discuss similar topics.

15. NEW BUSINESS REQUESTS – Commission Members

15.1 Commission members were provided the opportunity to request agenda items for future meetings. No agenda items were requested.

16. PUBLIC COMMENT

16.1 Members of the public had an opportunity to address the Commission.

Lori Grassi, Executive of Legislation and Policy, Washington State Chiropractic Association thanked the Commission for the opportunity to give comments early. She attended a very effective presentation focused on professional communication with patients about gender in general, met with them afterwards and they are willing to incorporate the requirements to meet the health equity continuing education rules as well as teaching providers how to communicate better about sex and gender.

Dr. Miller commented on the Chiropractic X-ray Technician discussion that took place earlier in the meeting. In regard to the discussion about whether chiropractors could start training their own employees, he sees this devolving into on-the-job training. How can that be avoided? The original intention was that if there were no instructors available, a chiropractor with five years of experience could teach the course, ideally for years to come.

Ken Gordon placed the following in the chat.

“I am the incoming CEO of the WA State Veterinary Medical Association. I had hoped to introduce myself to you all during the public comment session, but I need to leave to attend another meeting in a few minutes so will likely miss this part of your meeting. We would love to engage with CQAC on the proposed expansion of chiropractic practice to animals. WSVMA is very concerned about this proposal due to concerns for both animal and human health. We also believe that the appropriate way to address this issue is through the legislature, which has previously declined such expansion. Pls feel free to contact me at any time regarding this.”

17. CORRESPONDENCE AND REPORTS

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

- 17.1 Licensee Statistical Report as of November 9, 2023
- 17.2 NBCE Important Update
- 17.3 FCLB Fall 2023 Insights Newsletter - "Who Shoulders Scope Interpretation?"

18. ADJOURNMENT

- 18.1 The meeting adjourned at 3:08 p.m.



Prepared By: Robert Nicoloff, Executive Director

January 11, 2024

Date



Approved By: Dana Clum, DC, Chair

January 11, 2024

Date