



WASHINGTON STATE
CHIROPRACTIC QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
September 14, 2023 – 9:00 a.m.

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

Department of Labor and Industries Conference Center
7273 Linderson Way SW
Tumwater, WA 98501

Commission Members: 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, Brian Chan, DC, Stephen 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 not present: Michael Long, DC

Staff Members:

Bob Nicoloff, Executive Director
Tammy Kelley, Deputy Executive Director
Jenny Yeam, Projects and Compliance Manager
Betty Moe, Policy Analyst
Sierra McWilliams, Assistant Attorney General

OPEN SESSION – Thursday, September 14, 2023

9:08 a.m.

1. CALL TO ORDER – Dr. Clum, Chair

1.1 The agenda was approved as written.

2. MESSAGES FROM COMMISSION LEADERSHIP - Dr. Dana Clum, DC, Chair; Dr. Jas Walia, DC, Vice-Chair; Dr. Vanessa Wise, DC, Vice-Chair; Ms. Susan Bogni, MPA, Executive Committee Public Member; David Folweiler, DC, Immediate Past Chair

2.1 Commission leadership provided comments.

Dr. Clum thanked Sierra McWilliams, AAG for filling in for Christopher Gerard, AAG.

Dr. Clum thanked members for attending and apologized for the delayed start due to technical issues. She is happy and proud to serve alongside fellow Commission members.

Dr. Walia thanked the staff and acknowledged that a lot of work goes into preparing for the meetings.

Dr. Wise echoed the sentiments of others. She thanked the staff for their diligent hard work. It is impressive and she is happy and proud to be part of it.

Susan Bogni, MPA thanked staff and apologized for not being able to attend in person.

Dr. Folweiler said he is excited to see everyone, it is nice to meet in person.

3. APPROVAL OF MEETING MINUTES – Dr. Clum

3.1 The meeting minutes from July 13, 2023 were approved as drafted.

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

4.1 Bob Nicoloff reviewed the three meetings remaining in 2023.

- Council on Licensure Enforcement and Regulation (CLEAR) annual conference, September 27th – 30th, Salt Lake City, Utah, to be attended by Dr. Zepeda
- FCLB Districts I & IV meeting, October 5th – 8th, Keystone, South Dakota, to be attended by Dr. Davis and Dr. Wise
- NBCE Fall Part IV Examinations, November 11th -12th, various locations including Portland, Oregon, to be attended by Dr. S. Chan and Dr. B Chan

5. 9:20 A.M. - RULES HEARING – Dr. Clum

5.1 Health Equity Continuing Education Requirements – WAC 246-808-150

The Commission held a public rules hearing, led by Dr. Clum, Commission Chair, pursuant to [RCW 34.05.325](#), to accept oral comments from the public on its rulemaking to amend the chiropractic continuing education rules ([WAC 246-808-150](#)). The Commission proposed amendments to the current rule to establish health equity continuing education (CE) requirements to implement Engrossed Substitute [Senate Bill 5229 \(ESSB 5229\)](#), and other housekeeping changes.

The Commission filed the CR-102 forms with the Office of the Code Reviser on July 18, 2023 under [WSR #23-15-083](#). The proposed rule changes and related rulemaking documents can be viewed at this link: [WSR 23-15-083](#)

The Commission did not receive any written comments or any testimony at the hearing. The hearing concluded at 9:27 on September 14, 2023.

The Commission motioned to adopt the rules with no amendments. The motion carried.

6. DISCUSSION REGARDING HOUSE BILL 1724 – Betty Moe, Regulatory Analyst

6.1 The impacts of [House Bill 1724](#) on chiropractor licensing requirements were discussed. 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 by waiving Washington State 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.

Betty Moe shared she would have more information at the November meeting, and the Commission will need to develop rules to implement this legislation.

Dr. Folweiler expressed concerns about incoming chiropractors not taking the JP Exam.

7. COMMISSION TRAINING

7.1 Sierra McWilliams, AAG provided an overview of the Open Public Meetings Act.

7.2 Sierra McWilliams, AAG provided an overview of the Public Records Act.

7.3 Sierra McWilliams, AAG provided an overview Ethics in Public Service.

8. LETTER FROM DR. SUSAN VLASUK- Dr. Clum

8.1 The Commission discussed a letter and request received from Dr. Vlasuk regarding the termination of Covid Guidelines for Chiropractic X-Ray Technicians. The current policy expires on November 17, 2023. Dr. Vlasuk is asking that the date be extended.

There was a motion to extend the deadline to November 20, 2023. The motion carried.

9. RULES COMMITTEE REPORT - Betty Moe, Regulatory Analyst, and Committee Members - Dr. Clum, Dr. Folweiler, Susan Jensen, JD, Dr. Wise, and Judy Colenso (Protem Member)

9.1 The Committee has been reviewing the rules package related to chiropractic credentialing requirements and substance use disorder monitoring programs. The Committee is on track to start bringing the draft language to the Commission in early 2024.

10. EXAMINATION COMMITTEE REPORT – Bob Nicoloff, Executive Director, and Committee Members - Dr. B. Chan, Dr. S. Chan, Dr. Davis, and Dr. Wise

10.1 The Committee met on August 23rd and reviewed about 30 new questions for the Jurisprudence (JP) exam. The plan is to gradually replace the existing questions with new questions to see how well they work. If they are flawed in some way they would not be counted against the candidate. The goal is to end up with multiple forms of the examination.

Over the past years the Commission has looked at delivering the JP exam online. Concerns have been raised about costs and security measures. This will be an additional assignment for the Committee.

11. BUDGET COMMITTEE REPORT - Betty Moe, Regulatory Analyst, and Committee Members - Dr. Clum, Dr. S. Chan, Dr. Davis, Dr. Long, Judge Spector (ret.), and Jim Slakey (Protem Member)

11.1 The Budget Committee met on August 16th. Bob Nicoloff presented a historic perspective on budget and fees for Committee member educational purposes. Betty Moe was asked to share more information about investigative costs. While reviewing the information, the Committee expressed interest in the investigative process and costs associated with investigations. The Committee would like an investigator to attend a future meeting to present an overview and answer questions about the investigative process. The Commission agreed this would be helpful. The Committee also prepared a list of items to be part of the Commission Strategic Plan.

The Budget Committee was asked to look at total meeting costs of a meeting in the Seattle area compared to Tumwater.

The next Budget Committee meeting is scheduled for October 10th.

12. TRAINING / MENTORING COMMITTEE REPORT – Tammy Kelley, Deputy Executive Director, and Committee Members – Dr. Clum, Susan Bogni, MPA, Dr. Folweiler, Susan Jensen, JD, and Dr. Wise

12.1 Tammy Kelley shared that the revised Commission Member Manual has been completed. The manual includes several new sections including a fact sheet with quick links to our newsletters, laws and rules, meeting minutes, upcoming agendas, Commission and staff roster and Committee list. We also added a large list of acronyms, and copies of the Joint Operating Agreement, Strategic Plan, organizational chart, in addition to other handy resources.

The Committee previously completed a timeline for new member training and a mentor checklist. At this point, the Committee has met their initial goals.

Dr. Clum indicated this work is completed, it is a good time to look at the goals and objectives to aid the Commission in updating the Strategic Plan. Bob Nicoloff indicated that it will be added to a future meeting agenda.

13. COUNCIL ON CHIROPRACTIC EDUCATION ITEMS – Dr. Clum

13.1 The Council on Chiropractic Education (CCE) is conducting a 60-day public comment period from September 1 – October 31, 2023 regarding proposed revisions to the CCE Accreditation Standards and CCE Residency Accreditation Standards. The Commission discussed the proposed revisions, and they appeared to be primarily housekeeping type revisions. The Commission did not wish to make any comments on the proposed revisions.

13.2 As the Commission requested, Bob has been in contact with Craig S. Little, Ed.D., CCE President and CEO, for a possible presentation regarding the Council at a future Commission meeting. Dr. Little asked for specific topics or questions that the Commission would like him to address in his presentation.

Commission requested information on the following:

- New college accreditation process.
- General accreditation process.
- Substantial Equivalency.
- Anything new and up and coming the Commission should be aware of.

14. COMMISSION NEWSLETTER AND TRAINING PLANNING

- Tammy Kelley, Deputy Executive Director

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

14.2 The Commission reviewed and approved the draft 2023 Edition 2 Newsletter.

15. HOUSE BILL 1009 – CONCERNING MILITARY SPOUSE EMPLOYMENT - Betty Moe, Regulatory Analyst

15.1 Betty Moe discussed the requirements in [House Bill 1009](#) regarding board member training.

Betty shared that the Washington State Department of Veterans Affairs has launched the Military Spouse Cultural Competency Training which can be used to fulfill the requirements for licensing board or Commission members outlined in HB 1009, the [Military Spouse Employment Act](#)

The training is a 34-minute online, self-paced video. Following completion of the training video, participants may complete a survey to provide feedback on the course and receive a participation confirmation email and certificate of completion.

Staff and Commission members must watch/complete this automated training by January 1, 2024. Any new members will be required to complete this training within 90 days of their appointment.

16. REQUEST REGARDING DEPARTMENT OF LABOR & INDUSTRIES GEOGRAPHIC DATA PROJECT – Betty Moe, Regulatory Analyst

16.1 The Commission discussed a Department of Labor & Industries (LNI) request regarding its project to identify the number of health care providers in each geographic region. The major goal of this is disaster planning, but LNI's interest lies in understanding injury and illness among the workforces. DOH has a data sharing agreement in place but have not actually done any transfers yet.

Mina Moghaddami, DOH Epidemiologist, joined the meeting to help answer any questions. Mina shared that LNI will send DOH employment data (to include a study ID and a coded SSN). DOH will then decode and match those Social Security Numbers (SSNs) to DOH data and then send LNI a credential number and a study ID. At no point will LNI receive SSNs from DOH. The final transfer from LNI to DOH will include aggregate data that details the number of health providers of each type in each geographic location. This process will follow small number study guidelines, so any data that could identify an individual health provider will not be shared.

Lori Grassi, Executive of Legislation and Policy, Washington State Chiropractic Association (WSCA) asked all of the other DOH boards who agreed to participate in this process. Mina indicated the only the Washington Medical Commission (WCM), the Washington State Board of Nursing (WABON), and CQAC have been asked individually for approval. Lori expressed concerns with SSNs being shared. Mina indicated the only thing that LNI will be receiving is credential numbers – which are public information - no coded SSNs will be sent.

Mina shared this would be an ongoing agreement, shared quarterly. LNI has a strong interest in understanding illness and injury in the workplace. DOH has a strong interest in disaster planning. Mina shared that she often receives questions on how many providers there are in each county.

While DOH has provider addresses, it doesn't track where providers are practicing.

The Commission asked that Christopher Gerard, AAG, review the Data Sharing Agreement, and the small number topic for the discussion at the November Commission meeting.

17. STAFF REPORT AND PLANS

- **Tammy Kelley, Deputy Executive Director, and Bob Nicoloff, Executive Director**

17.1 Current projects and activities in the Commission office were discussed.

Tammy Kelley shared that the recruitment for our new Operations and Policy Director position closed August 31st and we just received the list of applicants. We will be reviewing applications and selecting candidates to interview, with plans to conduct interviews later this month.

On September 11, we received unofficial notice that the Commission Credentialing Specialist has accepted another position in DOH. This is a crucial position in our team so this leaves a big workload that we will need to balance until the vacancy can be filled.

Tammy shared updates on the Health Enforcement Licensing Modernization System (HELMS) Project. Lacy Fehrenbach, Chief of Prevention, Safety and Health, will now serve as Executive Sponsor for the HELMS project. This is an opportunity to provide greater visibility and manage risks associated with HELMS project at the DOH Executive level.

The current planned full project go-live date of April 2024 is undergoing adjustments as the current date is not attainable with the progress thus far, we will be adopting a phased approach to deliver HELMS. Phase 1 is scheduled for delivery in early 2024, with the exact date to be determined. We will provide a specific timeline for the remaining work as soon as possible.

Bob Nicoloff had additional items to present:

- The Commission has not heard anything from the Governor's office regarding appointments.
- Bob shared that he has been asked by the Pharmacy Commission to attend a meeting in conjunction with WCM and WABON about becoming an independent Commission.
- Bob discussed looking at different meeting models. We could have meetings with just staff at the physical location. Bob also suggested that a Commission retreat in 2024 could provide a valuable training opportunity for members and staff.

Dr. Clum liked both meeting ideas, as the retreat was very helpful when she started with the Commission. She would lean towards members attending meetings remotely every other meeting, with staff always at the physical location. Dr. Clum also stated conducting some meetings with members being remote would really be a cost benefit.

18. NEW BUSINESS REQUESTS – Commission Members

18.1 Commission members may request agenda items for future meetings.

Bob Nicoloff further discussed holding a Commission retreat (usually one and half days/combined with a Commission meeting). Possibly in the summer months to help with travel, and having new members appointed. The last retreat was held in January of 2020. Bob showed the past retreat agenda, which focused a lot on Commission member training.

Commission members had some potential ideas for a retreat such as a mock hearing, learning more about each member's skillset to optimize Commission resources, and training on early remediation plans.

19. PUBLIC COMMENT

19.1 Members of the public had an opportunity to address the Commission. No comments were received.

20. CORRESPONDENCE AND REPORTS

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

20.1 Licensee Statistical Report as of September 6, 2023

20.2 Temporary COVID-19 Policies Ending November 17, 2023

20.3 Council on Chiropractic Education Accreditation Actions Announcement August 2, 2023

21. ADJOURNMENT

21.1 The meeting adjourned at 1:04 p.m.



November 16, 2023

Prepared By: Robert Nicoloff, Executive Director

Date



November 16, 2023

Approved By: Dana Clum, DC, Chair

Date