



WASHINGTON STATE
CHIROPRACTIC QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
March 14, 2024 – 9:00 a.m.

This was a public meeting held in person and online.

Department of Health
Rooms TC2 166 and 167
111 Israel Rd. S.E.
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, Michael Long, DC, Susan Jensen, JD, Public Member, and Benjamin Zepeda, DC.

Commission members absent: William Davis, DC, and Judge Julie Spector (ret.), Public Member

Staff Members:

Bob Nicoloff, Executive Director
Tammy Kelley, Deputy Executive Director
Jenny Yeam, Projects and Compliance Manager
Betty Moe, Director of Operations and Policy
Angel Brown, Credentialing Specialist
Christopher Gerard, Assistant Attorney General

OPEN SESSION – Thursday, March 14, 2024

9:03 a.m.

1. CALL TO ORDER – Dr. Clum, Chair

1.1 The agenda was approved as submitted.

2. MESSAGES FROM COMMISSION LEADERSHIP - Dana Clum, DC, Chair; Jas Walia, DC, Vice-Chair; Vanessa Wise, DC, Vice-Chair; Ms. 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 shared that the Commission is meeting at a new location, the Department of Health, and it has gotten off to a great start. The technology appears to be working well. Dr. Clum thanked staff and Commission members for all their work. There are some challenges ahead, and we are looking at a potential fee increase for licensees. The Budget Committee has been doing a really great job of diving into all the options. Dr. Clum thanked the Budget Committee for all their work.

Dr. Wise echoed Dr. Clum’s sentiments and thanked the staff, as well as the dedication Susan Jensen, JD, has put into researching animal manipulation regulations.

Dr. Walia thanked staff and recognized all the work of the Commission members. He commented that the Commission has accomplished much, and it would not be possible without the dedication of the members.

Dr. Folweiler stated that it is nice to see everyone in person. He is looking forward to the great work the Commission is going to accomplish today.

Susan Bogni, MPA echoed the sentiments of the other members, thanking the staff and Commission members for their dedication and commitment.

3. APPROVAL OF MEETING MINUTES – Dr. Clum, Chair

3.1 The meeting minutes from January 11, 2024 were approved as submitted.

4. LEGISLATIVE UPDATE – Betty Moe, Director of Operations and Policy, Susan Bogni, MPA, and Dr. Wise

4.1 Relevant bills being considered during the 2024 session of the Washington State Legislature were discussed.

The Commission discussed the passage of [Engrossed Substitute Senate Bill \(ESSB\) 5481 – Uniform Telehealth Act](#). This bill establishes uniform standards for providing telehealth services to patients in Washington State, effective June 5, 2024. The bill also mandates the [Washington State Telehealth Collaborative](#) to review the proposal authored by the Uniform Law Commission to implement a registration system for out-of-state practitioners. The Commission will review its telehealth policy at the next meeting to ensure there aren't provisions that conflict with this new law.

5. 2024 NATIONAL AND STATE ACTIVITIES AND MEETINGS – Dr. Clum

5.1 The Commission discussed the following activities and meetings:

- Federation of Chiropractic Licensing Boards (FCLB) annual conference and the National Board of Chiropractic Examiners (NBCE) delegate meeting, May 1-5, 2024 - Phoenix, Arizona
 - Members attending: Dr. Clum and Dr. Wise. Dr. Wise applied for a scholarship from the FCLB scholarship. She has not heard back.
 - Assistant Attorney General Christopher Gerard has been asked to speak at this conference.

The Commission also reviewed the Federation of Chiropractic Licensing Boards' proposed bylaw amendments. The Commission did not wish to provide any comments.

- NBCE Spring Part IV Examinations, May 18-19, 2024, various locations including Portland
 - Members participating: Dr. B. Chan and Dr. Wise
- NBCE Part IV Test Committee (Only If Invited), June 8, 2024 - Greeley, CO
 - Member participating: Dr. Clum
- DOH Board and Commission Leadership Conference, July 24, 2024 - Olympia
 - Member participating: To be determined.

- Council on Licensure Enforcement and Regulation (CLEAR) annual conference, September 16-19, 2024 - Baltimore, Maryland
 - Members interested in attending: Susan Jensen, JD, and Dr. S. Chan
 - 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, Dr. Walia, and Dr. S. Chan
- NBCE Fall Part IV Examinations, November 9-10, 2024, various locations including Portland
 - Members interested in participating: Dr. Davis, Dr. B. Chan, and Dr. S. Chan

Ms. Bogni, MPA asked about the value of having members attend the examinations. Dr. Wise shared that participation in the examination is important, in that we get to see how prepared students are coming out of school. Dr. Walia added that we get to see what is being assessed, and how ready students are to enter practice.

- 5.2 The Commission reviewed and discussed examples of forms that could be used to share information members learned at national and regional meetings and conferences. The Commission reviewed two versions of the form that could be used. The Commission determined that attendees could take both versions of the form and use the version that worked best from their perspective for sharing information with the Commission.

6. RULES COMMITTEE REPORT - Betty Moe, Director of Operations and Policy, and Committee Members - Dr. Clum, Dr. Folweiler, Dr. Wise, and Judy Colenso (Protem Member)

- 6.1 The Rules Committee presented a temporary interpretive policy statement. Based on the Commission’s review and implementation of [Second Substitute House Bill 1724](#), the Commission will not require (i) applicant’s filing an endorsement application, (ii) applicant’s filing an expired reissuance application, and (iii) persons who hold a Washington chiropractic license in “inactive status seeking to return to “active” status, to take and successfully pass the Commission’s jurisprudence examination if the applicant or “inactive” license holder held an active credential in another state, territory of the United States, the District of Columbia, Puerto Rico, or the province of Canada that the Commission has recognized as having substantially equivalent standards to those of RCW 18.25. The Commission is currently engaged in rulemaking to adopt this position into rule.

A motion was made to adopt this policy as drafted. The motion carried. This policy statement will remain in effect until withdrawn by the Commission.

- 6.2 The Rules Committee presented a document that is to be sent to chiropractors who are not required to take the jurisprudence examination. The document contains information about Washington's chiropractic scope of practice, rules and laws that govern the practice of chiropractic, allowed procedures, instruments, and diagnostic tools, standards of care, radiographic imaging, continuing education requirements, and links to other relevant statutes and rules.

The Commission discussed the document and determined that it should be sent to all chiropractors, not just to those who will not be required to take the jurisprudence examination. A motion was made to send the document as amended to all licensees who receive a chiropractic license. The motion carried.

- 6.3 Update on the implementation and comments received regarding the Commission adopted rules related to [Chiropractic X-ray Technicians](#).

These rules were filed as [WSR 24-03-095 on January 18, 2024](#), and updated the number of hours required, the type of examination required, course content, and who can be approved to teach courses. The rules also update continuing education (CE) requirements including CE on health equity, and an updated process to activate an expired credential. The rules will take effect on July 1, 2024.

The team is currently working on implementation to include paper application updates, online application updates, ILRS system configuration requests, updates to the webpage, and our standard deficiency statements.

An email from Daniel Long, DC regarding concerns that he is currently unable to register a staff member for the training required to become a Chiropractic X-ray Technician, as neither of the currently approved programs are offering courses, was shared with the Commission.

The Commission discussed the emergency rules process as one approach to preserve public health and safety if the Commission did not receive requests for course approval.

No action was taken.

7. **RULES WORKSHOP - Betty Moe, Director of Operations and Policy**

The Commission considered amendments to implement [Substitute Senate Bill \(SSB\) 5496](#) (Chapter 43, Laws of 2022). SSB 5496 updated terminology, definitions, and references for chiropractors, and also clarified confidentiality protections in [RCW 18.130.070](#) for health professional monitoring programs.

The Commission also reviewed and discussed the rule language specific to WAC 246-808-810, 820, and 830. No final language was approved.

8. **BUDGET REVIEW AND BUDGET COMMITTEE REPORT - Betty Moe, Director of Operations and Policy, and Committee Members - Dr. Clum, Dr. S. Chan, Dr. Davis, Dr. Long, Judge Spector (ret.), and Jim Slakey (Protem Member)**

8.1 A review of the Commission's current budget and finances was provided. The Commission's current balance at the end of January 31, 2024, was \$366,163. The fund goal balance is \$574,854.

8.2 The Budget Committee shared that they have met and discussed the need for a fee increase. They looked at assumptions moving forward and are currently working to prepare a few examples of what fee increases may be necessary.

9. **ANIMAL MANIPULATION PROJECT UPDATE - Dr. Matthew Waldron, Protem Member, Project Chair, Susan Jensen, JD, Project Vice-Chair, Dr. Folweiler, Dr. Wise, and Bob Nicoloff**

9.1 An update on the animal manipulation project was provided.

Dr. Waldron reiterated the mission of the animal subcommittee is to explore and examine if the regulatory framework related to animal manipulation can be improved upon. It has become apparent that yes, we believe it can be improved upon.

In January 2022, the Veterinary Board of Governors (VBOG) determined to write rules related to the issues, they have been a real partner in the issue. Moving forward it is clear that the VBOG writing rules may not be the solution.

Susan Jensen, JD provided a summary regarding other states that have regulations on this topic. The committee members have researched all 50 states, and staff are working on compiling data. We estimate that 28 states regulate the practice of chiropractic on animals.

Dr. Wise reviewed the Washington State Chiropractic Association survey results. The results show that chiropractors are being asked to perform, or are performing, animal manipulation services. Dr. Wise also shared information about animal insurance, which among other services, provides coverage for adjusting animals.

Dr. Folweiler shared additional information about regulation and discipline. Right now, we don't have clear regulations related to animal manipulation so when we get these types of cases, they are very challenging. We are hoping we can work closely with VBOG and the veterinarian state association to get better clarity with a modified rule, so that we can allow chiropractors to adjust animals.

Bob Nicoloff shared the options for proposing legislation.

Dr. Waldron shared that the committee members will be attending the Washington State Chiropractic Association (WSCA) meeting virtually on March 23rd to share information on this project with WSCA.

10. COMMISSION NEWSLETTER AND TRAINING PLANNING

- Tammy Kelley, Deputy Executive Director

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

The Commission reviewed and approved the draft 2024 Edition 1 Newsletter.

11. STAFF REPORT- Tammy Kelley, Deputy Executive Director, Betty Moe, Director of Operations and Policy, and Bob Nicoloff, Executive Director

11.1 Current projects and activities in the Commission office were discussed. Tammy shared that Angel Brown joined us on February 1st. This position has been vacant since October, which put the huge burden of credentialing work on Jenny. Angel is filling the position as a temporary employee, and we will be recruiting in late Spring to fill the position permanently.

For those who are meeting here in our building today, you can see that there is still lots of moving and construction going on. The meeting room today has been lovely. The building is still very much in flux. The first part of Phase 1 of the restructuring is now complete; they are starting to work on part 2. We don't have a date for when we are moving yet.

A lot is happening with the Healthcare Enforcement and Licensing Management System (HELMS) project. The initial HELMS rollout is now HELMS Lite, which will replace our current online application system. This phase is planned to be implemented on April 24th.

Locations and plans for the remaining Commission meetings in 2024 were discussed. Staff have scheduled a site visit at South Puget Sound Community College to determine if the site will meet the needs for the September 21, 2024 Commission meeting.

12. NEW BUSINESS REQUESTS – Commission Members

12.1 Commission members had the opportunity to suggest agenda items at future meetings. No additional items were requested.

13. PUBLIC COMMENT

13.1 Members of the public had an opportunity to address the Commission. Betty shared that Dr. Susan Vlasuk had provided comments regarding [WAC 246-808-535](#) - Delegation of services to auxiliary staff, regular senior student, and clinical postgraduate trainees. These comments will be provided when that section is reviewed by the Commission. Dr. Vlasuk also questioned when the Commission would revisit [WAC 246-808-565](#) - Radiographic Standards, which was included in a previous rules package. No action was taken by the Commission.

14. CORRESPONDENCE AND REPORTS

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

- 14.1 Licensee Statistical Report as of March 1, 2024
- 14.2 Federation of Chiropractic Licensing Boards PACE Program Update
- 14.3 Federation of Chiropractic Licensing Boards Proposed Bylaws Amendments
- 14.4 National Board of Chiropractic Examiners Call For Board Member Nominations
- 14.5 Council on Chiropractic Education, Accreditation Standards Update

15. ADJOURNMENT

15.1 The meeting adjourned at 1:32 p.m.



May 9, 2024

Prepared By: Robert Nicoloff, Executive Director

Date



May 9, 2024

Approved By: Dana Clum, DC, Chair

Date