



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

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, 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 and Judge Julie Spector (ret.), Public Member

Absent: Benjamin Zepeda, 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, May 9, 2024**

**9:00 a.m.**

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

**1.1** The agenda was amended to correct the last meeting date from March 9<sup>th</sup> to March 14<sup>th</sup> on the approval of the meeting minutes. Motion carried.

**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 welcomed everybody who attended both in person and online. Dr. Clum encouraged commission members to make their best effort to attend the meetings in person. For the July meeting, all commission members will be remote. Our next in-person meeting will be the two-day meeting in September. Dr. Clum shared a couple of reminders:

- The Commission uses GovDelivery to communicate with interested parties. This is the service used to send out things such as agendas, notice of rules workshops, changes to rules, etc. Dr. Clum encouraged commission members to share this information with colleagues to help increase awareness about the distribution list.
- The in-person continuing education (CE) requirements have been reinstated, effective November 17, 2023. Chiropractors must complete at least 13 hours of CE in person. The Washington State Chiropractic Association (WSCA) has shared that there are a lot of local in-person CE programs during spring and summer and chiropractors might not have to travel too far to get CE.

Dr. Walia apologized for not being there in person. In-person meetings are great. The staff have done a great job. He was excited to hear about the Federation of Chiropractic Licensing Board (FCLB) meeting.

Dr. Wise reiterated what everyone else said. It is always fun to see everyone in person. The meetings are generally more enjoyable, and our staff and our group are fun. Going to the national meeting solidifies that it is an amazing group.

Dr. Folweiler expressed that it is always good to see everyone. Dr. Folweiler stated he is looking forward to the FCLB meeting update and changes to the National Board of Chiropractic Exam. Dr. Folweiler thanked the staff for all their hard work.

Susan Bogni, MPA thanked Dr. Clum for the introduction she provided. She expressed gratitude to Jenny Yeam, who has been so helpful in helping learn the new program used to review disciplinary case materials.

### **3. APPROVAL OF MEETING MINUTES – Dr. Clum**

**3.1** The meeting minutes from March 14, 2024, were approved as written.

### **4. 2024 NATIONAL AND STATE ACTIVITIES AND MEETINGS – Dr. Clum**

**4.1** 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
  - Assistant Attorney General Christopher Gerard has been asked to speak at this conference.

Dr. Clum thanked Susan Bogni, MPA for continuing to push for a consistent way of reporting back to the Commission about national meeting attendance. There were some sections of the form that did not have applicable information. They also used Tammy's form to report back. It is important to complete the form soon after attending.

Dr. Clum and Dr. Wise shared an overview of the meeting.

- Modernizing chiropractic regulations, focusing on protecting the public, and the importance of protecting the public while modernizing chiropractic regulations and emphasizing the need for clear wording in regulations to keep up with changes in chiropractic education.
- Chiropractic college programs, remedial education, and discipline. Discussed changes to chiropractic discipline, including remedial education and ethics and boundaries.
- PBI Education on remedial courses, which are more in-depth than regular CE courses, to address ethics and boundaries issues.
- Changes to chiropractic licensing exams, including more frequent testing and a shift away from domain-level scoring.
  - The exam will shift from domain-level scoring to a more comprehensive assessment of basic sciences and practical application.
  - Standardizing medical testing in Colorado. All the NBCE examinations will be administered in Greeley, Colorado.
- Artificial Intelligence (AI) implementation in the medical field. Learning about AI was both interesting and terrifying, with potential for medical use.
  - AI regulation, HIPAA compliance, and patient disclosure. Emphasizing the importance of accuracy and transparency.
  - The presenting attorney suggests that practitioners inform patients about the use of AI in their care, with California recently passing a bill requiring disclosure.
- Fraudulent car accidents in Minnesota and the FBI's investigation.

- The speaker discussed a fraud scheme involving staged car accidents in Minnesota, with over \$100 million in fraud recovered.
- The speaker advised clinic owners to report suspicious patients to the police or chiropractic board, as fraud is prevalent and can lead to legal action.

Christopher Gerard mentioned the Attorney General’s Office shared information regarding ESHB 5838. This legislation was introduced at the request of the AG’s office during the 2024 legislative session It creates a Task Force to assess current uses and trends by private and public sector entities and make recommendations to the Legislature regarding standards for the use and regulation of AI.

Judge Spector believes it is important to send a member to participate in this group and agreed to attend and report back to the Commission.

- 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, June 18, 2024 – Olympia and Virtually
  - Member participating: A member of commission leadership will likely attend.
- 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. Dr. S. Chan withdrew attendance due to budgetary issues. Dr. Davis and Susan Bogni may attend. They will reach out to Betty Moe once they determine their availability.
  - Staff interested in attending: Bob Nicoloff withdrew his attendance.
- 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

## 5. CONTINUING EDUCATION EXEMPTIONS AND TIME EXTENSION REQUESTS

– Tammy Kelley, Deputy Executive Director, Christopher Gerard, Assistant Attorney General

**5.1** The Commission discussed requests for exemptions and time extensions to comply with continuing education requirements in WAC 246-808-150.

The Commission receives requests from licensees for waivers or extensions to complete their required continuing education (CE) due to medical conditions or extenuating circumstances. The Commission had adopted a CE policy in 2017 addressing how to handle those requests. We've followed that policy for several years. Recently we've been seeing more requests than we had historically, and after reviewing the policy, we felt it was appropriate to bring this issue to the Commission.

Christopher Gerard discussed the two things that the policy should focus on:

1. Clarifying who will make decisions on exemption and exception requests.
2. Specifying the duration of the exceptions and exemptions.

A motion was made to delegate the authority for decision-making regarding requests for CE extension/exemption requests to the Executive Committee. The motion carried.

A motion was made to have the duration be for one CE cycle. The motion carried.

Tammy Kelley will update the policy for Commission review at the July meeting.

**6. LICENSEE LIST REQUEST – Tammy Kelley, Deputy Executive Director**

- 6.1** The Commission reviewed a request from Life Chiropractic College West to be considered an approved education organization so they could be eligible to request lists of licensees. A motion was made to approve the request. The motion carried.

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

- 7.1** The rules committee presented potential updates to policy CH-11-17-22 Licensure by Endorsement – Substantially Equivalent Qualifications, removing the reference to completion of the JP exam, when applying by endorsement. A motion was made to approve the changes. The motion carried.
- 7.2** CH-24-03-14 Policy on Waiver of Jurisprudence Examination for Certain Chiropractic Licensee Applicants or Inactive License Holders was filed as WSR 24-09-029 the filing of the policy statement was shared with the commission.
- 7.3** Update on the implementation of the Chiropractic X-ray Technician Rules. Betty Moe shared that they are working through the updates to implement the revised rules. We have been getting inquiries from potential chiropractic X-ray technicians that would like to take the course. We have received one inquiry about how to be approved to teach the course, but we have not heard back from that chiropractor.

Dr. Vlasuk asked if the Commission would support offering a 48-hour class online, as it has been the past 2-3 years. Dr. Clum indicated the policy had expired and the Commission did not intend on allowing the 48-hour class to be taught online.

- 7.4** Participation in the Fluoroscopic X-ray Rule Making – The Office of Radiation Protection is considering amending WAC 246-225-050 to address advancements in technology. The Commission discussed having a member(s) participate in the Rules Advisory Committee. These rules were filed under WSR 24-03-137.

Dr. Wise and Betty Moe attended the first meeting. Dr. Wise shared that the rules are being reviewed as they are outdated. Rulemaking is anticipated to take 18 months to two years to complete.

They are looking at things such as image quality, room design, typical exposure, maximum exposure, standardized testing, standard annual outlook testing, tracking and patient dose defining what fluorosis commute fluoroscopy machines are DDR equipment.

Dr. Wise expressed the need for a chiropractic radiologist DACBR to attend future meetings. Commission staff will reach out to Dr. Gabe Smith, Pro-Tem member to see if he would be interested in participating. Dr. Wise and Dr. B. Chan will also participate as their schedules allow.

- 7.5** The commission discussed potential updates to their Telehealth Policy CH-3-19-20A as it relates to the passage of Engrossed Substitute House Bill 5481 – Uniform Telehealth Bill.

Betty Moe shared that the rules committee began working on the telehealth policy revisions, and ran into a sticking point that requires discussion and determination from the Commission before we can move on.

Christopher Gerard shared that most of the members were on the Commission at the time the policy was first adopted and documented the Commission's interpretation of RCW 18.25, the Commission's licensing statute, and how that pertains to the provision of chiropractic services. The policy deals with three primary issues:

1. Licensing Requirements
2. Standard of Care
3. Equipment Technology

The licensing requirements are a bit more complicated. Most chiropractors are going to be practicing in-person so that analysis is straightforward. Where it becomes more complex is if a chiropractor is physically located out of state and provides chiropractic services via telehealth to Washington residents or patients otherwise located in Washington. The bill created 3 exemptions:

While the Commission's Telehealth Policy has been in effect since March 14, 2020, the Commission will need to reexamine this policy due to the passage of Engrossed Substitute Senate Bill 5481. ESSB 5481 was passed during the 2024 legislative session and will become effective on June 6, 2024. Among other things, ESSB 5481 will allow out-of-state chiropractors to provide chiropractic care via telehealth to patients located in Washington State without a license issued by the Commission, if the out-of-state chiropractor holds a license in good standing in another state and provides the telehealth services in either:

1. The form of a consultation with a health care practitioner who has a practitioner-patient relationship with the patient and who remains responsible for diagnosing and treating the patient in Washington;
2. The form of a specialty assessment, diagnosis, or recommendation for treatment. This does not include the provision of treatment; or
3. The form of follow up by a primary care practitioner, mental health practitioner, or recognized clinical specialist to maintain continuity of care with an established patient who is temporarily located in Washington and received treatment in the state where the practitioner is located and licensed.

The Commission may want to consider making updates to the telehealth policy to incorporate these three exceptions. The Commission's licensing statute does make it clear that if you're temporarily practicing in Washington, which the Commission has interpreted to also be telehealth, that you do need to be registered with the Commission.

This potentially creates a conflict with the language in 5481, which says there are situations where you don't need to be licensed to provide temporary services.

Updates to the Tele-Health Policy were delegated to the rules committee to be presented on July 11, 2024.

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

The Commission is considering revisions to WAC 246-808-010, 246-808-105 through 246-808-140, 246-808-180, 246-808-190, 246-808-510, 246-808-535 and 246-808-801 through 246-808-830 to clarify, streamline, and modernize the rule language, and to be consistent with current laws and practice standards.

The Commission is also considering technical amendments to implement Substitute Senate Bill (SSB) 5496 (Chapter 43, Laws of 2022). SSB 5496 updated terminology, definitions, and references for chiropractors, and made clarifications to confidentiality protections in RCW 18.130.070 for health professional monitoring programs. Except for the revision of individual rule sections, a comprehensive review of Chapter 246-808 WAC has not been conducted since 1996.

The Commission continued reviewing this package. This rules workshop focused on answering questions on the proposed updates to the substance use disorder rule updates discussed by the Commission on March 14, 2024. (WAC 246-808-810, 820, and 830)

The Commission also reviewed the following sections: WAC 246-808-105, 180, 190, and 535. The Commission did not review section 181 as intended due to time constraints.

**9. 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 (Pro-Tem Member)**

**9.1** The current Commission budget was presented. The fund balance on March 31, 2024, was \$242,514.

**9.2** The history of the chiropractic program budget was presented, and potential fee increases were discussed. The budget committee looked at several variations of fee increases when determining what recommendation should be made to the Commission. The committee believes that increasing renewals for chiropractors by \$164 to \$730 (including HEAL-WA Fee) and increasing the renewals for chiropractic x-ray technicians by \$50 to \$130, is the best solution. The Commission motioned to accept the fee increase and begin the rules making process with the Department of Health to increase the fees.

A motion was made to support the fee increase as proposed. The motion carried.

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

**10.1** An update on the animal manipulation project was provided.

Dr. Waldron shared that the committee attended the WSCA meeting on April 2, 2024 and the Animal Manipulation Task Force meeting April 22, 2024 to share the presentation that was presented to the commission during the March 2024 meeting.

The animal manipulation subcommittee of the VBOG Met on January 8, 2024, and is supportive of an endorsement which enables chiropractors to manipulate animals with limitations.

Lori Grassi announced that WSCA 2025 legislative priorities will include a new statute on this issue, which for now, relieves the burden of Commission requesting legislation.

Susan Jensen, JD has agreed to draft consensus ideas. The committee will be working on this in the very near future.

Susan Jensen, JD further explained, that when we say consensus, we mean between CQAC and VBOG – looking at alternative pathways to endorsement. There are several more administrative things to discuss. Susan Jensen, JD was confident the committee would have a good document to turn over to WSCA by September.

## **11. COMMISSION NEWSLETTER AND TRAINING PLANNING**

- Tammy Kelley, Deputy Executive Director

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

The Commission was invited to attend the Trauma Informed Sexual Misconduct training on October 10th. Susan Jensen, JD and Dr. Long will be attending.

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

**12.1** Current projects and activities in the commission office were discussed.

**12.2** Locations and plans for the remaining commission meetings in 2024 were discussed.

- July 11, 2024 – Commission members will be virtual. The meeting will be held at the Department of Labor and Industries.
- September 20, 2024 – Commission members will be at the physical location – Department of Health. The meeting may start later, about 10:00 to allow additional travel time in the morning.
- September 21, 2024 – Commission members will be at the physical location – South Puget Sound Community College, Lacey Campus.
- November 14, 2024 – Commission members will be at the physical location – Department of Health.

## **13. LEADERSHIP NOMINATIONS**

**13.1** Commission members nominated leadership positions for a one-year term beginning in July 2024, including the chair, two vice-chairs, and one public member on the Commission Executive Committee.

Dr. Clum expressed gratitude towards her fellow commission members as well as staff for their support over the past two years as chair.

Nominations included the following:

- Chair - Dr. Wise
- Vice-Chair – Dr. Davis
- Vice-Chair – Dr. Walia
- Public Member – Susan Bogni, MPA

Additional nominations and elections will occur at the July 11, 2024, commission meeting.

## **14. NEW BUSINESS REQUESTS – Commission Members**

**14.1** Commission members had the ability to request agenda items for future meetings.

Dr. Clum requested a discussion about the FCLB Recognized Chiropractic Specialty Programs (RCSP) at the next meeting. Bob Nicoloff was asked to reach out to someone from FCLB to schedule the discussion.

## **15. PUBLIC COMMENT**

**15.1** Members of the public had an opportunity to address the Commission.

Dr. Vlasuk questioned the filings of WAC 246-808-565 Radiographic standards. As she had received

notice in 2017 indicating the rule language had been finalized and would be filled in 2018.

Commission members recalled that there was a specific reason as to why the rules were not filed. Betty Moe was asked to do additional research for the July 11, 2024, meeting related to this question.

**16. CORRESPONDENCE AND REPORTS**

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

**16.1** Licensee Statistical Report as of May 1, 2024

**16.2** Council on Chiropractic Education Press Release

**17. ADJOURNMENT**

**17.1** The meeting adjourned at 3:27 p.m.



July 11, 2024

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

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**Date**



July 11, 2024

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**Approved By: Dana Clum, DC, Chair**

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**Date**