



WASHINGTON STATE
CHIROPRACTIC QUALITY ASSURANCE COMMISSION
BUSINESS MEETING & WORKSHOP MINUTES
September 20-21, 2024

This was a public meeting held in person and online.

Commission Members:

Vanessa Wise, DC, Chair; William Davis, DC, Vice-Chair; Jas Walia, DC, Vice-Chair; Susan Bogni, MPA, Executive Public Member; Dana Clum, DC, Immediate Past Chair; Brian Chan, DC; Stephen Chan, DC; David Folweiler, DC; Michael Long, DC; Susan Jensen, JD, Public Member (absent 09/20); and Benjamin Zepeda, DC (absent 09/20), Commission Members Absent: 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
Christopher Gerard, Assistant Attorney General

OPEN SESSION – Friday, September 20, 2024

10:07 am

1. CALL TO ORDER – Dr. Wise, Chair

1.1 The agenda was approved as written.

2. MESSAGES FROM COMMISSION LEADERSHIP - Dr. Wise, Chair; Dr. Davis, Vice-Chair; Dr. Walia, Vice-Chair; Susan Bogni, MPA, Executive Committee Public Member; Dr. Clum, Immediate Past Chair

2.1 Commission leadership had the opportunity to provide comments.

Dr. Wise welcomed everyone to the two-day meeting. She thanked the other Commission members for electing her as chair; she looks forward to working with Commission members and the Department of Health on the shared goal of protecting the public. She thanked the staff for their support and hard work, and she for the opportunity to work with the other members of leadership. Dr. Wise welcomed fellow Commission leadership, Dr. Davis, Vice-Chair; Dr. Walia, Vice-Chair; and Susan Bogni, MPA, public member.

Dr. Wise thanked Dr. Clum for serving during an unprecedented time. Her hard work and guidance led us through. Dr. Wise presented Dr. Clum with a gift of appreciation from the Commission.

Bob Nicoloff presented Dr. Clum, Immediate Past Chair, with a letter signed by all Commission members and staff expressing gratitude and appreciation for her exemplary leadership and significant accomplishments as Chair and Vice-Chair of the Commission

during the last three years. A hallmark of her leadership has been her commitment to transparency and collaboration. Her achievements reflect her deep commitment to advancing the profession while safeguarding the health and well-being of Washington residents.

Bob Nicoloff presented Dr. Folweiler with the Commission Leadership Recognition Award for his exemplary leadership and unwavering dedication to the State of Washington, its citizens, chiropractic professionals, and the Commission. This award honors his remarkable contributions in multiple leadership roles. In serving as Commission Chair for three terms (2019-2021), Immediate Past Chair for two terms (2022-2024), and Vice-Chair for two terms (2016-2018), his steadfast commitment has profoundly strengthened the Commission's mission to protect public health through rigorous standards of chiropractic care. His legacy will continue to inspire the profession and the Commission for years to come. The Commission acknowledged Dr. Folweiler with a gift.

Dr. Davis thanked everyone for allowing him to serve as Vice-Chair. It has been enjoyable to be more involved with the Commission. It is interesting to see what goes on beyond the scenes; a lot more goes into it than you realize. Dr. Davis is looking forward to a productive year.

Dr. Walia thanked everyone on the Commission staff. He is excited for the year ahead and expressed gratitude to Dr. Folweiler and Dr. Wise. Dr. Walia is looking forward to what is to come.

Susan Bogni, MPA, thanked the Commission members, Commission staff, and DOH staff for their dedication and hard work. Susan stated it is hard work and dedication that make Washington the place for chiropractic patients to be served for the betterment of their health.

Dr. Clum stated she didn't have anything to add to what the other members so eloquently stated. Dr. Clum congratulated Dr. Wise on the position of Chair.

3. APPROVAL OF MEETING MINUTES – Dr. Wise

3.1 The July 11, 2024 meeting minutes were approved as written.

4. 2024 NATIONAL AND STATE ACTIVITIES AND MEETINGS – Dr. Wise

4.1 The Commission discussed the following activities and meetings:

- FCLB District I & IV meeting, October 3-6, 2024 - Scottsdale, AZ
 - Members interested in attending: Dr. Wise
 - Staff attending with an FCLB scholarship: Bob Nicoloff

- NBCE Fall Part IV Examinations, November 9-10, 2024, various locations, including Portland
 - Members participating: Dr. Davis (Parker University, Dallas) and Dr. S. Chan (University of Western States, Portland)

5. IMPLEMENTATION OF ENGROSSED SUBSTITUTE HOUSE BILL (ESHB) 1503 – COLLECTING HEALTH CARE PROFESSIONALS’ INFORMATION AT THE TIME OF LICENSE APPLICATION AND RENEWAL -Stacey Saunders, Senior Operations Analyst, Office of Health Professions, and Betty Moe, Director of Operations and Policy

5.1 The Commission received updates on the listening sessions held to implement ESHB 1503, which requires collecting personal demographic data from health practitioners at initial licensure & renewal starting January 1, 2025. Questions include race/ethnicity, gender, spoken languages, specialty, practice location, and whether you are currently practicing. This data will help DOH, the legislature, and public health partners to understand the composition of our health workforce to help address health equity in our state.

Updates included the following:

- ESHB 1503 Overview
- Considerations
- Draft Survey Questions
- Next Steps

Dr. Wise questioned external access to the data. Stacey Saunders indicated they are still working through those details with the Attorney General’s Office. Stacey acknowledged that responses to the personal demographic data from health practitioners at initial licensure and renewal may be subject to public disclosure.

6. OVERVIEW OF DOH OFFICES RELATED TO INVESTIGATIONS, ADJUDICATION, AND DISCIPLINE

6.1 Roman Dixon, JD, Chief Health Law Judge, provided an overview of the Department of Health Adjudicative Services Office and discussed the Appearance of the Fairness Doctrine and the hearings process.

6.2 Department of Health Office of Investigative and Legal Services staff provided an overview of their organization and operations.

7. OVERVIEW OF DOH HEALTHCARE ENFORCEMENT AND LICENSING MANAGEMENT SYSTEM (HELMS) PROJECT - Ratna Craig, Project Director, and Liz Geisler, Deputy Project Director

7.1 An overview of the HELMS project was provided. HELMS is the new electronic licensing system that will replace the old and outdated legacy system. Sixteen current applications are unable to match the growing customer requirements and expectations of customers.

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)

Dr. Wise took a moment to thank our ProteM Members for all their hard work and dedication to helping with committee work. We appreciate their commitment to continued public safety in the chiropractic profession and wanted to acknowledge their continued help and support.

8.1 In accordance with the initial and re-approval of the chiropractic X-ray technician courses policy, the Commission reviewed course materials from Dr. Vlasuk. Dr. Vlasuk requested approval to provide the 72-hour course required by WAC 246-808-207. Dr. Zepeda and Dr. Wise reviewed the materials and indicated that they believed the proposed course meets the requirements of the rule.

The application includes Dr. Vlasuk and 13 additional chiropractors to teach the 30-hour in-person portion of the training. Betty shared that Commission staff can verify if providers have been licensed in Washington for five years, but we do not have a way to verify time licensed outside Washington. In addition, staff cannot verify if the providers have practiced in a practice that included the taking of X-rays.

Christopher Gerard, AAG, explained that the Commission has three options to consider when evaluating this request for initial approval of a chiropractic X-ray technician course:

1. Approve the course without any conditions.
2. Issue a deficiency letter to the applicant identifying any deficiencies in the application.
3. Approve the course contingent on the applicant working with staff to confirm that all instructors have met the necessary experience requirements. This could be done, among other things, in the form of an attestation.

A motion was made to approve the course submitted by Dr. Vlasuk, but this approval would be contingent on Dr. Vlasuk working with staff to make the necessary attestations to approve her instructors. The motion carried.

The Commission discussed potential new co-instructors being added to Dr. Vlasuk's program, and the best process to complete requests in a timely manner. A motion was made to have staff approve X-ray technician course co-instructors once a verified attestation and disciplinary review has been completed. The motion carried.

Betty pointed out that attestation updates to the policy would be necessary. These updates were assigned to the rules committee for drafting.

Betty will update the website to include Dr. Vlasuk's as having an approved program on the Commission website.

- 8.2** The DOH Office of Radiation Protection is considering amending WAC 246-225-050 to address advancements in Fluoroscopic X-ray technology. These rules were filed under WSR 24-03-137.

The last meeting was on July 16th. Betty, Dr. Wise, and Dr. B. Chan attended. The next meeting is scheduled for September 24th from 2:00-4:00 pm.

There was much discussion about measuring dosage and making it reportable/available to DOH upon request. The idea was that currently, there are clinics that are not required to measure dosage. However, if clinics like chiropractic offices used higher powered/higher exposure equipment, they would want to have the dosage measured and reportable. There was discussion about how to report this and not make it more burdensome for DOH or the clinics, but if the clinics were required to do this, they would have the data available for DOH to review if requested.

9. RULES WORKSHOP – Betty Moe, Director of Operations and Policy

- 9.1** The Commission is considering revisions to WAC 246-808-010, 246-808-105 through 246-808-140, 246-808-180, 246-808-181, 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 and references for chiropractors and clarified confidentiality protections in RCW 18.130.070 for health professional monitoring programs. Except for revising individual rule sections, a comprehensive review of Chapter 246-808 WAC has not been conducted since 1996.

The Commission reviewed WAC 246-808-130, Temporary permit: Issuance and duration; WAC 246-808-133, Background Check Temporary Practice Permit; WAC 246-808-140, Thirty-Day Permit; WAC 246-808-051 Military spouse or military-related temporary practice permit (New Section), and WAC 246-808-010 Definitions.

The Commission discussed approving the rule language at the next meeting without reviewing it section by section. Commission members agreed to review the rule language before the meeting and only questions would be discussed.

10. ACCREDITATION OF THE NEW ZEALAND COLLEGE OF CHIROPRACTIC – Executive Committee Members and Betty Moe, Director of Operations and Policy

- 10.1** Information was shared regarding the New Zealand College of Chiropractic, accredited by the New Zealand Qualifications Authority (NCQA) and the Council on Chiropractic Education Australasia (CCEA).

The Commission was asked to determine if New Zealand College of Chiropractic is accredited by a commission recognized national or international accrediting body whose standards meet the criteria of WAC 246-808-040(3)(d), (e), and (f).

Dr. Wise and Dr. Clum recused themselves from this discussion.

Betty provided a brief background on the issue.

Dr. Davis shared additional information about how different states treat applications for licensure, such as when the applicant’s education was obtained outside the United States.

The Commission requested a comparison of the Council on Chiropractic Education (CCE) and the Councils on Chiropractic Education International (CCEI) requirements to include program prerequisites for the November meeting. Dr. Davis and Dr. Walia will participate in the review.

11. PUBLIC COMMENT

- 11.1** Members of the public had the opportunity to address the Commission. No public comment was provided.

12. MOCK DISCIPLINARY HEARING & DELIBERATIONS – Office of the Attorney General Staff

- 12.1** For training purposes, Commission members and staff viewed a simulated disciplinary hearing and deliberation process.

13. ADJOURNMENT OF THE FRIDAY SESSION

- 13.1** The Friday session adjourned at 4:50 pm.

14. CALL TO ORDER – Dr. Wise, Chair

14.1 The agenda was approved as written.

15. FCLB RECOGNIZED CHIROPRACTIC SPECIALITY PROGRAMS (RCSP)- Dr. Karen Campion, FCLB President

15.1 Dr. Campion provided an overview of the RCSP program. Recognized Chiropractic Specialty Programs (RCSP) is a service of the Federation of Chiropractic Licensing Boards (FCLB). While specialty certifications can offer chiropractic patients expanded care, not all programs meet the standards of chiropractic licensing boards. RCSP identifies certification programs that comply with licensing board standards of education, testing, quality, and rigor.

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

Dr. Wise introduced Dr. Waldron, who has served as Chair, Vice-Chair, Immediate Past Chair, and is a current Protem member of the Commission. Dr. Wise thanked Dr. Waldron for his dedication and presented him with gifts from the Commission.

16.1 An update on the animal manipulation project was provided.

Recommendations presented include:

- The credential would be an endorsement of a chiropractic license.
- Statement of Intent
- Definitions
- Authority (credentialing, rules, and enforcement)
- Requirement(s) for initial endorsement
- Renewal recommendations
- Continuing education recommendations
- Uniform Disciplinary Act (RCW 18.130) will be applicable
- Advertising and title protection
- Clinic standards - signage
- Imaging prohibitions
- DMV referral or clearance
- Infectious disease reporting
- Records
- Immunity for reporting animal cruelty and neglect

Lori Grassi, Executive of Legislation and Policy, Washington State Chiropractic Association (WSCA), thanked Dr. Waldron, the Animal Manipulation Committee members, the rest of the Commission, and the Veterinary Board of Governors. She has never seen a process work out this way; WSCA will look at the proposal to determine the next steps.

Christopher Gerard, AAG, shared the following, indicating that he is not suggesting amendments to the document but things to think about if legislation is going to be considered:

- The document states the Uniform Disciplinary Act (UDA) will apply to the practice of animal chiropractic. The intent would be that the UDA will also apply to the unlicensed practice of animal chiropractic, for example, if you performed animal chiropractic without holding the endorsement. Other provisions within the UDA deal with unlicensed practice.
- Some other things to think about if RCW 18.25 is going to be amended:
 - Inactive status – would it be possible to put the endorsement status inactive?
 - Is there going to be an endorsement process for the permit?
 - How would the exemptions in RCW 18.130.190 apply to the permit?

A motion was made to release the information presented to WSCA. The motion carried.

17. BUDGET REVIEW, COMMITTEE UPDATES, AND FEE RULES WORKSHOP - Betty Moe, Director of Operations and Policy

17.1 The current Commission budget could not be presented because some charges were not posted. The federal government hasn't approved indirect rates, and other charges related to that decision are not posted until the rates have been decided to avoid corrections.

17.2 The Department of Health and the Commission conducted a rulemaking workshop related to chiropractor and chiropractic x-ray technician fees to generate the revenue needed to perform the regulatory work required to protect patient safety. Fee increases were discussed as follows:

Chiropractic renewals – an increase from \$550 to \$714

Chiropractic late renewal penalty increase – an increase from \$225 to \$300

Chiropractic expired license re-issuance fee – a decrease from \$302 to \$300

An inactive late renewal penalty fee created - \$130

Inactive license re-issuance fee - decreased from \$157 to \$130

Addition of the HEAL – WA fee for inactive status - \$16

Chiropractic X-Ray Technician renewal – an increase from \$90 to \$130

Chiropractic X-Ray Technician late renewal penalty – an increase from \$50 to \$65

Chiropractic X-Ray Technician expired registration re-issuance – an increase from \$62 to \$65

The Commission will hold a second fee workshop as part of the November 2024 meeting.

18. CANNABIS HEALTH & BEAUTY AIDS (CHABA) - Betty Moe, Director of Operations and Policy

18.1 The Commission reviewed and discussed a request asking if chiropractic offices can sell hemp-sourced cannabidiol (CBD) products that are not defined as cannabis and do not contain any measurable delta-9-tetrahydrocannabinol (THC), just as they currently do with CHABA products.

Betty shared that the Commission discussed the use of CHABA in relation to chiropractic practice at their meeting in November 2018. At that time, a committee of the Commission recommended that the use of CHABA be within the scope of practice and that a set of Frequently Asked Questions (FAQ) be developed to guide chiropractors and patients. The motion passed with two members voting against the decision. The Commission developed and approved the FAQs. The question the Commission is being asked now is whether chiropractors could use hemp-sourced CBD products that do not meet the definition of CHABA.

Christopher Gerard, AAG, shared that this remains a complex area of law. This is being brought before the Commission because, since 2019, there have been some additional statutory definitions of cannabis.

Mr. Gerard led a discussion of various statutory provisions that were engaged by the question of whether chiropractors could sell hemp-sourced CBD products, including provisions of the Uniform Controlled Substances Act, RCW 69.50; the Hemp Production statute, RCW 15.140; and the Chiropractic statute, RCW 18.25.

Dr. Clum shared that she would be opposed to this because the nature of what it is typically used for is not in the scope of chiropractic.

A motion was made to have staff update the FAQs to include the Commission's approval of the use of "Hemp Consumable" products. The FAQ will be brought back to the Commission for review. The motion carried. One member, Dr. Clum, voted no on the motion.

- 18.2** The Commission reviewed the Frequently Asked Question (FAQ) developed in 2019 and determined that updates would be appropriate.

19. USE OF HYPERBARIC OXYGEN CHAMBERS BY CHIROPRACTORS IN WASHINGTON - Tammy Kelley, Deputy Executive Director

- 19.1** The Commission discussed the reference to hyperbaric oxygen chambers within the Classification of Chiropractic Procedures and Instrumentation List from "Experimental" to "Approved."

Tammy Kelley shared that currently mild hyperbaric oxygen chambers (mHBOT) are listed as experimental, which means that it is not approved, but may have a positive benefit in diagnosing or caring for a patient's condition. No billing is allowed for procedures or instruments used under this classification. The Commission made this decision on April 12, 2012.

The requestor stated that 34 states allow chiropractors to use mHBOT and 37 allow supplemental oxygen use. The requestor indicated this would be used in conjunction with chiropractic adjustments, soft tissue work, etc. They indicated mHBOT helps rid our bodies of inflammatory responses and combined with chiropractic treatment can help patients feel better faster. They would like to use mHBOT to help treat acute and chronic inflammatory muscular skeletal injuries and indicated mHBOT would be helpful for a wide variety of patients.

Dr. Brian Chan shared that he spent some time thinking about how this might fit within the practice of chiropractic and would like more information on this specific treatment and if it genuinely provides the benefits being claimed by the requestor.

Dr. Clum shared this is not something taught in chiropractic schools and that there are a lot of things that can help rehabilitate a patient, but not all of those are within our scope or have chiropractors received training on.

Dr. Folweiler stated that he doesn't know much about this therapy and would like to learn more. He would love to have a subject matter expert come and testify in front of the Commission.

Bob Nicoloff shared there is a form that can be submitted for additions or reclassification requests.

The Commission did not amend the instrumentation and procedure list. The Commission asked that the requestor be contacted to complete the request for additions or changes to the instrumentation and procedure list.

20. COMMISSION MEMBER PRESENTATIONS – These items were tabled until a future meeting.

20.1 Dr. Brian Chan will provide an overview of the Professional Services Corporation Act.

20.2 Dr. Clum will provide an overview of her pediatric, perinatal, and family care practice.

21. LICENSEE LIST REQUEST – Tammy Kelley, Deputy Executive Director

21.1 The Commission reviewed a request from the requests the Palmer Center for Chiropractic Research at the Palmer College of Chiropractic to be considered an approved educational organization so they could be eligible to request lists of licenses. A motion was made to recognize Palmer Center of Chiropractic Research at the Palmer College of Chiropractic as an educational organization. The motion carried.

22. COMMISSION NEWSLETTER AND TRAINING PLANNING -Tammy Kelley, Deputy Executive Director

22.1 The Commission reviewed the 2024 Edition 2 newsletter draft and updated the future newsletter articles and training topics list.

23. STAFF REPORT AND PLANS - Tammy Kelley, Deputy Executive Director

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

Tammy shared that the team has been busy and is seeing more preceptor applications. We're working on various projects. We have a lot of projects that we have sitting waiting to be started in preparation for the move that is on hold. They're still dealing with some building permitting issues. We thought it would be December that we would be moving, but it is now looking like next September.

We've all been preparing for today and yesterday.

Bob shared the new cover sheet for the Jurisprudence (JP) exam. The exam committee reviewed and approved some new questions, and we've created three new versions of the JP exam.

While updating the exam, it seemed like a good time to add to the cover page. There were several requirements that we've never really defined, such as confidentiality. Now, we're making it very clear the exam responses should reflect their own work and that if violated, it could be a disciplinary topic.

A motion was made to approve the attestation by adding the city and state. The motion carried.

24. NEW BUSINESS REQUESTS – Commission Members

24.1 Commission members were given the opportunity to request agenda items for future meetings. No additional requests were added.

25. PUBLIC COMMENT

25.1 Members of the public had another opportunity to address the Commission.

Lori Grassi stated she had received some feedback regarding mHBOT, but she couldn't hear all of the conversation. There was also some discussion yesterday about potentially opening the scope of practice around educational competencies versus hours and training. Lori cautioned that anytime we open the scope of practice or the statute for legislative changes, we also must consider the risks, as anything can get amended. When we contemplate the value of a potential policy or statutory change, we must also mitigate the risk of somebody else amending it.

Right now, the House Health Care Committee has eight people who are not returning, and we don't know who the committee chair will be.

26. CORRESPONDENCE AND REPORTS

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

26.1 Licensee Statistical Report, September 12, 2024

27. ADJOURNMENT OF THE SATURDAY SESSION

27.1 The Saturday session adjourned at 1:06 pm.



September 20, 2024

Prepared By: Robert Nicoloff, Executive Director

Date



September 20, 2024

Approved By: Vanessa Wise, DC, Chair

Date