



WASHINGTON STATE
CHIROPRACTIC QUALITY ASSURANCE COMMISSION
MEETING MINUTES

April 10, 2014 – 9:00 a.m. to 5:00 p.m.

Department of Health (DOH)
Point Plaza East Building, Room 152/153
310 Israel Road SW
Tumwater, WA 98501

Commission Members:

Gabe (Gary) Smith, DC, Chair, Matthew Waldron, DC, Vice-Chair, Judy Colenso, Public Member, Aaron Chan, DC, James Slakey, Public Member, Winfield Hobbs, DC, Ron Rogers, DC, (absent), Doug Long, DC, Robert Schmitt, DC, Bryson Langel, DC, Ronwynn Pratt, DC, Harold Rasmussen, DC, David Folweiler, DC, (absent), and Louise Stephens, Public Member.

Commission Staff Present

Leann Yount, Program Manager
Bob Nicoloff, Executive Director
Lilia Lopez, Assistant Attorney General (AAG)
Kyle Karinen, DOH Staff Attorney

Others Present

Danielle Welliever, DOH Policy Analyst
Diane Young, DOH Credentialing Manager
Dianna Staley, DOH Compliance Supervisor
Colin Caywood, AAG

On April 10, 2014 the Chiropractic Quality Assurance Commission (Commission) met in Tumwater Washington at 310 Israel Road SW – Point Plaza East Building, Room 152/153. In accordance with the Open Public Meetings Act, the revised meeting agenda was e-mailed to members of the Commission’s listserv.

OPEN SESSION – April 10, 2014

9:00 a.m.

1. CALL TO ORDER – Dr. Smith, Chair

9:00 a.m.

1.1 The agenda was approved with the following change:

- Add WSCA update from Dr. Rasmussen to item 8.1

1.2 The February 28, 2014 Special Conference Call meeting minutes were approved as presented. The February 13, 2014 business meeting minutes were approved with the following revision:

- Item 1.2 - Change “Administrative Workgroup” to “Budget Workgroup.”

1.3 Message from the Chair:

- Legislative contact:
 - Commissioners that contact or lobby the legislature must complete a form that documents the contact. The form must be filed with the Public Disclosure Commission. This is a state requirement.

- List/Labels hearing at 3:30 p.m.:
 - Dr. Smith reminded the hearing panel members about the hearing.
- National Boards of Chiropractic Examiners Test Committee Meeting
 - June 6-7, 2014 in Greeley, Colorado.
 - Dr. Chan was initially delegated as the representative and Dr. Folweiler as the alternate. Due to a scheduling conflict Dr. Chan is unable to go. Dr. Folweiler will now be the delegate.
- Dianna Staley, Compliance Supervisor introduced herself to the commission and provided a brief overview of the compliance process. Bruce Bronoske, Compliance Officer started working with the commission in May 2013. He replaced Megan Brown. Mr. Bronoske was unable to attend the meeting and meet the commissioners in person.

2. PILOT PROJECT PLANNING UPDATE – Bob Nicoloff, Executive Director 9:15 a.m.

2.1 Bob Nicoloff provided a Pilot Project Workgroups and Pilot Project activities update, as follows:

Pilot Update:

- The Health Services Consultant 2 position developed under the pilot was informally offered and accepted. The paperwork is with the DOH Human Resources. The start date is May 1, 2014.
- Mr. Nicoloff and Ms. Yount met with DOH credentialing staff to review and understand how an application is entered into the licensing database and processed.

Ways to improve processes were identified and discussed including:

- Update the application,
- Online jurisprudence exam,
- Access to an electronic form for the NBCE Special Purposes Examination on Chiropractic (SPEC).
- Having informal discussions with the DOH about when to expect a draft Operating Agreement (OA). Due to the workgroups still meeting, the draft OA will be ready to submit to the DOH at a later date. Both the medical and nursing commissions are pursuing their new OA now.
- The commission held a special meeting on February 28, 2014 to vote on taking EKG/ECG off of the Classification of Chiropractic Procedures and Instrumentation List (list).

The commission placed a moratorium on any further additions or changes to the list until they can develop and document a better process that stakeholders will understand to alleviate confusion. The Continuing Education/Standard of Care Committee started improvement discussions during the February 13, 2014 meeting and will continue developing the process until it's completed

- Staff will do a mass-mailing to the profession to recruit new commissioners and/or for reappointments:
 - David Folweiler, DC
 - Ron Rogers, DC
 - Jim Slakey, Public Member
- Mr. Nicoloff will create a commission policy about scope of practice inquiries.

Pilot Workgroups:

- The *Legal Workgroup* and staff met with DOH staff attorneys Patrick Hanley, Kyle Karinen, and Mike Ellsworth on February 20, 2014. Some of the items discussed included the construction of the DOH Legal Unit, associated costs, and enhancing the process between the DOH and the Attorney General's Office.

As a way to improve the legal review process, the reviewing commission member should draft a detailed summary of the case to prepare the staff attorney. This will paint a clear picture and get the case moving faster.

Mr. Nicoloff and Ms. Yount will be meeting with the Legal Unit every six weeks to get an update about the status of cases.

The AAG is looking to see if the commission can charge a fee in disciplinary cases when imposing the jurisprudence exam.

- The *Investigation Workgroup* and staff met with DOH investigations staff Dave Magby, Don Painter, and Tammy Kelley on February 27, 2014.

There are currently 1200 active cases under DOH investigation. Supervisors monitor their staffs' workload every six weeks to keep the cases moving. Performance measures are also being tracked.

Investigations are being charged at \$77.00 an hour.

The commission's rule of WAC 246-808-700 adds additional time before the DOH investigator can begin working on the case. This adds time to performance measures without work being done. The rule was put into place before a new law under the Uniform Disciplinary Act was established and places all health professions under it. The commission's rule adds additional time on the respondent's end. The commission should consider repealing the rule because it slows down the process.

- The *Budget Workgroup* and staff met with DOH finance staff Steve Hodgson and Jeff Orwig on March 18, 2014. The DOH staff created a budget report that summarized the detailed budget report. They reviewed the budget report and asked questions. The workgroup requested further modification to the report to make it easier to read and follow.

3. COMMISSION LEADERSHIP NOMINATIONS – Dr. Smith

3.1 Commission members nominated the following members for the June 2014 – June 2015 leadership positions:

- Gabe (Gary) Smith, DC, Chair
- Matthew Waldron, DC, Vice-Chair
- Winfield Hobbs, DC, Vice-Chair
- Jim Slakey for the Executive Committee Public Member position

Further nominations and the election will take place during the June 12, 2014 meeting.

4. DEPARTMENT OF HEALTH LEGISLATIVE MEET-ME CALLS – Dr. Chan 9:45 a.m.

4.1 Dr. Chan presented an update about the department’s weekly legislative meet-me calls that started on January 7, 2014 and occurred every Tuesday from 8:30 a.m. to 9:00 a.m., through legislative session:

- The following bills passed HB 2160, HB 2315, HB 2351, HB 2370, and SB 5964.

5. OPEN PUBLIC MEETING ACT – Lilia Lopez, AAG 10:00 a.m.

5.1 Ms. Lopez provided an update to commission members about changes to the Open Public Meetings Act (OPMA) ([Chapter 42.30 RCW](#)) and the Public Records Act ([Chapter 42.56 RCW](#)) under Engrossed Substitute Bill [5964](#).

ESB 5964 was signed March 27, 2014 and is effective July 1, 2014. The bill requires that all board, commission, committee members receive OPMA training every four years. Training was provided to commission members in March 2013. It will be provided to the newer commissioner members and new appointees once the appointments are made. March 2013 will be used as the four-year baseline for training.

6. THE USE OF ESSENTIAL OILS – Dr. Hobbs 10:30 a.m.

6.1 Commission members deferred reviewing the use of Essential Oils and the chiropractic scope of practice until the process for the Classification of Chiropractic Procedures and Instrumentation List has been revamped.

7. NEW BUSINESS REQUESTED FROM FEBRUARY 13, 2014 MEETING 11:00 a.m.

7.1 Dr. Rasmussen asked the commission if it’s considered fee splitting when chiropractors use multi-level marketing vendors to sell vitamins and nutritional supplements within their offices.

Lilia Lopez, AAG will look into this to see if it’s allowable and report back to the commission.

A request was made to ask at the Federation of Chiropractic Licensing Boards meeting how other states view this practice.

Dr. Rasmussen also reported on his attendance at the Washington State Chiropractic Association (WSCA) board meeting. The passage of HB 2315 was discussed. The WSCA would like to see the commission receive reports from the Board of Physical Therapy to ensure that the intent of the legislation is met regarding grade five spinal manipulations.

8. MOCK DISCIPLINARY AUDIT CASE REVIEW – Dr. Rasmussen 11:30 a.m.

- 8.1** Dr. Rasmussen presented an evidence based practice model of guidelines for training purposes.

LUNCH - Commission members continued meeting through lunch. 12:00 p.m.

9. CHIROPRACTIC QUALITY ASSURANCE COMMISSION COMMITTEES 12:30 p.m.

9.1 Planning/Executive Committee:

Members include: Gabe Smith, DC, Chair, Matthew Waldron, DC, Vice-Chair, Harold Rasmussen, DC, Immediate Past Chair, and Jim Slakey, Chair Public Member

Priority #1

- Mr. Nicoloff provided an update to all commission members about the newly created support position under agenda item 2.1.

Priority #2

- Committee members discussed the commission meeting packet format:
 - Committee members discussed the meeting packet format and will suggest to the commission that Ms. Yount scan the meeting packet and email it to all commission members. Commission members that would like a hardcopy of the packet need to contact Ms. Yount and one will be provided at the meeting.

Commission members discussed this and decided to try this process out for the June 12, 2014 meeting.

9.2 Budget Committee:

Members include: Jim Slakey, Public Member, Chair, Gabe Smith, DC, Matthew Waldron, DC, Vice-Chair, DC, Harold Rasmussen, DC, Immediate Past Chair, and Winfield Hobbs, DC

Priority #1

- Committee members reviewed the new version of the budget report and made recommendations when the workgroup met on March 18, 2014.

9.3 Instrumentation and Procedure/Standard of Care Committee:

Members include: Win Hobbs, DC, Chair, Doug Long, DC, Ron Rogers, DC, Ronwynn Pratt, DC, and David Folweiler, DC

Priority #1

- Committee members continued discussing and developing a checklist and decision paper regarding changes to items on the List.

Categories need to be created using the current List to see if rules and/or an Interpretive Statement should be filed.

A question was raised asking if techniques need to be on the List, as most are taught outside of a chiropractic college.

The Executive Committee requested Dr. Rogers's assistance with developing a process and creating a form for the requesting chiropractor to complete. The form will include the request and how it falls within the scope of practice. The process will be to place the request on the next meeting agenda for commission discussion and stakeholder input. Mr. Nicoloff and Ms. Yount will get Dr. Rogers the material to work with.

The draft form and process will be presented to the commission at the June 12, 2014 meeting.

Commission members voted all in favor to have Dr. Rogers work with the Executive Committee and staff to start developing the form and process.

9.4 Research Committee:

Members include: Bryson Langel, DC, Chair, Aaron Chan, DC, Judy Colenso, Public Member, Robert Schmitt, DC, and Louise Stephens, Public Member.

Priority #1

- Committee members reviewed the disciplinary statistics matrix. It was reported that the format is good and no further edits are needed.

Ongoing

- Committee members reviewed the following list and label requests:
 - Mox Medical – Requested list/labels to be used for licensure verification to determine which providers are permitted to practice. The commission voted to deny this request, as the information requested can be obtained through the department's Provider Credential Search.
 - Grant-Adams County Chiropractic Society – Renewed their previously approved application that had expired. Names will be used for continuing education (CE) courses they offer. The commission voted to reapprove the request from Grant-Adams County Chiropractic Society.

- International Chiropractors Association of California – Requested list/labels to be used for CE courses they offer. The commission voted to approve the request from International Chiropractors Association of California.

9.5 Continuing Education/Continued Competency/State Examination Committee:

Members include: Aaron Chan, DC, Chair, Bryson Langel, DC, Win Hobbs, DC, Louise Stephens, Public Member, and David Folweiler, DC

Priority #1

- Mr. Nicoloff updated committee members regarding the status of the jurisprudence (JP) exam being placed online. Mr. Nicoloff stated that the committee needs to revamp the JP exam questions and include questions where the commission sees the most complaints.

The committee will create more questions and discuss them at the June 12, 2014 meeting. The exam will be available online after the questions are finalized.

Priority #2

- Committee members reviewed [WAC 246-808-215 \(3\)](#) – Registration of Chiropractic X-ray Technicians and identified what education and training qualifies under the exception.
 - A current American Registry of Radiologic Technologists (ARRT) and/or the American Chiropractic Registry of Radiologic Technologists (ACRRT) certification were previously recognized and approved by the commission.
 - Committee members recommended to the commission to approve applicants that have successfully graduated from a radiologic technology program with a two-year educational degree as meeting the exception requirement under WAC 246-808-215(3).

Commission members voted all in favor to recognize a degree in radiologic technology as meeting the rule's exception.

Ongoing:

- Committee members didn't have any JP exam comments to review.

9.6 Communications Committee:

Members include: Doug Long, DC, Chair, Judy Colenso, Public Member, Robert Schmitt, DC, Ronwynn Pratt, DC, and Vacant DC

Priority #1

- Committee members continued reviewing draft articles as well as continued working on drafting future articles to include:
 - Records Retention – WAC 246-808-650 and RCW 70.02.160 – Dr. Long
 - Oxygen usage – Dr. Long
 - Performance measures – Bob Nicoloff.
 - Responsibility of a Retiring Chiropractor – Judy Colenso

- CE Audits – Ronwynn Pratt, DC
- Independent Chiropractic Examinations
- Suicide Prevention CE Requirement

Articles Under Review:

- Washington Health Professional Services– John Fuhrman, Executive Director
- Complaint Allegation Statistics – Leann Yount/Louise Stephens

Ongoing:

- Summary of disciplinary cases – Leann Yount

Priority #2

- Chiropractic Quality Assurance Commission Overview PowerPoint Presentation
 - Committee members continued reviewing and working on the presentation. They recommended adding slides that cover what happens while under a disciplinary order.

It was suggested to offer CE to chiropractors that attend the presentation.

9.7 Pilot Committee:

Members include: Matthew Waldron, DC, Chair, Jim Slakey, Public Member, Ron Rogers, DC, Harold Rasmussen, DC, and Gabe Smith, DC

Priority #1

- Committee members deferred meeting to discuss the Pilot Workgroups progress since an update was provided under item 2.1.

The committee will meet during the June 12, 2014 meeting.

9.8 Rules Committees Panel A:

Members include: Harold Rasmussen, Chair, Winfield Hobbs, DC, Robert Schmitt, DC, Gabe Smith, DC, Bryson Langel, DC, David Folweiler, and Jim Slakey, Public Member

- Committee members didn't meet, as they didn't have anything on the agenda.

9.9 Rules Committees Panel B:

Members include: Ron Rogers, DC, Chair, Aaron Chan, DC, Doug Long, DC, Matthew Waldron, DC, Ronwynn Pratt, DC, Judy Colenso, Public Member, and Louise Stephens, Public Member

Priority #1

- Committee members continued reviewing and working on amending the language of [WAC 246-808-550](#) – Future Care Contract language for the CR102. Committee members will finalize language during the June 12, 2014 meeting while using stakeholder suggestions.

10. COMMITTEE REPORTS

2:00 p.m.

10.1 Committees reported out to the commission about their committee work. Some items were presented as status updates and others were presented for consideration. See the full report under agenda item 9.

11. MANAGEMENT REPORT – Bob Nicoloff and Leann Yount

2:30 p.m.

11.1 Mr. Nicoloff provided an update regarding some of the 2014 legislative bills, as follows:

- HB 2315 – Suicide Prevention CE.
 - All newly licensed, and currently licensed, Washington State chiropractors will have to take CE once in suicide prevention. The commission needs to adopt a rule outlining the CE hour requirement of either three or six CE hours and establish approved suicide prevention CE criteria.
- HB 2139 – Creating a quality improvement process bill died.
 - The DOH will propose legislation on a similar bill regarding alternatives to discipline for all health professions.
- The bill that would allow medical commissioners to be appointed to three term limits died.

11.2 Mr. Nicoloff reported that Dr. Rasmussen attended the March 2013 WSCA annual board meeting. Dr. Rasmussen provided the report under agenda item 7.1.

11.3 Ms. Yount presented the commission members with the medical, nursing, and chiropractic websites. They reviewed all three websites. It was noted that improvements need to be made.

The commission delegated the website update to the Communications Committee. This item will be placed on the June 12, 2014.

11.4 Other relevant items, as follows:

- Need to use the pilot workgroup alternates list, as some workgroups members are having scheduling conflicts causing delays. Commissioners that are currently serving on a workgroup will not be used as an alternate at this time to allow other members the opportunity to participate.

12. NEW BUSINESS

12.1 Commission members requested the following items for the next meeting agenda:

- Insurance bill - needing pre-authorization to treat.
- Whether to create rule regarding paper ICE reviews - A provider must physically exam a patient to determine the needs of the patient and if the treatment was reasonable and necessary.
- Electronic health records - backing-up and/or transferring records.
- Spring workshop 2015

- HB 2160 – How to monitor complaints, education, intent of the law.

13. PUBLIC COMMENT

2:45 p.m.

13.1 No members from the public were present to address the commission.

14. CONSENT AGENDA

Items listed under the consent agenda were approved by a single motion of the commission without discussion.

14.1 February 2014 issue of “The Sentinel News for Department Employees.”

14.2 Chiropractic and chiropractic x-ray licensing statistics as of April 3, 2014.

15. COMMISSION ADJOURNMENT

3:00 p.m.

Next Business Meeting:

June 12, 2014
Department of Health
CenterPoint, Room 307
20425 72nd Ave. S.
Kent, WA 98032

Prepared By: Leann Yount, Program Manager

Date

Approved By: Gary “Gabe” Smith, DC, Chair

Date

Licensing Statistics as of April 3, 2014

Chiropractic X-ray Technicians

	Feb 7, 2014	April 3, 2014
Total Active Licenses	214	214
Total Pending Licenses	7	11
Expired in Renewal (expired more than 1 year since last renewed)	50	48
Expired Licenses (expired within 1 year since last renewed)	887	895
Total Revoked	1	1
Total Suspended	3	3
Active on Probation	0	0
Active with Restrictions or Conditions	0	0

Chiropractors

	Feb 7, 2014	April 3, 2014
Total Active Licenses	2342	2339
Total Pending Licenses	41	45
Total Inactive Licenses	175	170
Expired in Renewal (expired within 1 year since last renewed)	89	90
Expired Licenses (expired more than 1 year since last renewed)	2486	2506
Total Revoked	34	35
Total Suspended	43	43
Active on Probation	10	10
Active with Restrictions	1	1
Active with Conditions	14	14