



**WASHINGTON STATE
CHIROPRACTIC QUALITY ASSURANCE COMMISSION
MEETING MINUTES**

June 12, 2014 – 9:00 a.m. to 5:00 p.m.

Department of Health (department)
Creekside Building 2, Room 307
20425 – 72nd Avenue South
Kent, WA 98032

Commission Members:

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

Commission Staff Present

Leann Yount, Program Manager
Bob Nicoloff, Executive Director
Billie Jo Dale, Program Representative
Lilia Lopez, Assistant Attorney General (AAG)
Patrick Hanley, DOH Staff Attorney
Mike Ellsworth, DOH Supervising Staff Attorney

Others Present

Danielle Welliever, DOH Policy Analyst
Colin Caywood, AAG

On June 12, 2014 the Chiropractic Quality Assurance Commission (commission) met in Kent, Washington at 20425 – 72nd Avenue South – Creekside Building 2, Room 307. In accordance with the Open Public Meetings Act, the regular meeting agenda was made available on line at least 24 hours prior to the meeting.

OPEN SESSION – June 12, 2014

9:05 a.m.

1. CALL TO ORDER – Dr. Smith, Chair

9:05 a.m.

1.1 The agenda was approved with the following addition:

- Add continuing education (CE) audit and expired license reissuance CE delegation discussion under item 8.2.

1.2 The April 10, 2014 meeting minutes were approved as presented.

1.3 Message from the Chair:

- Dr. Smith introduced Billie Jo Dale, Program Representative. Ms. Dale began working with the commission on May 1, 2014. Ms. Dale has worked for the Department of Health (department) since 1996 and has held various positions in many capacities
- Dr. Smith read a letter from Governor Inslee addressed to Ron Rogers, DC thanking him for his years of service as a chiropractic commission member. Dr. Smith and the commission also thanked Dr. Rogers for his work and dedication to the commission.

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

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

Pilot Project Update:

- A Policy for Consideration of Requests for Additions or Changes to the Commission Classified List of Chiropractic Procedures and Instrumentation - [WAC 246-919-505](#) has been drafted on how requests to add items to the Classification of Chiropractic Instrumentation List will be handled. The draft policy will be reviewed under item 10.3.
- Mr. Nicoloff reported that both the Nursing and Medical Commissions have tentative Operating Agreements (OA) drafted and are in the process of having negotiation meetings with the department.. The Chiropractic Commission will begin discussions with the department for our OA next year.
- The Board of Physical Therapy (board) has filed a CR 101 to begin rulemaking on ESHB 2160 – Physical Therapists – Spinal Manipulation. Mr. Nicoloff talked with the board’s Executive Director, Blake Maresh, about being kept in the loop as their board begins to discuss and develop rules, as the commission would like to provide their guidance. Mr. Maresh will talk with the board’s leadership and will get back to us with suggestions on how we can work together to develop rules.
- Mr. Nicoloff attended the June Washington State Chiropractic Association (WSCA) board meeting and learned that the department will be receiving four [preceptor](#) applications to supervise [regular senior students](#) (RSS) from the University of Western States during the Seattle to Portland bike ride. The bike ride will take place on July 12-13, 2014. Program staff will work with credentialing staff to ensure that their licenses are issued in time for the event.

In this type of setting, the RSS will be limited in the [tasks](#) that they can perform. However, it will assist with their training experience hours needed to graduate.

- The September issue of the WSCA’s Plexus will be devoted to “regulation.” They have asked to receive two or three commission articles by July 1, 2014. Program staff will work with the commission’s leadership to determine which [newsletter](#) articles to submit.

- The department's Board and Commission Leadership meeting is scheduled for June 13, 2014. Dr. Smith will be attending the meeting and will report back at the August 14, 2014 meeting.

Pilot Workgroups:

- The *Legal Workgroup* and staff met with department staff attorneys Patrick Hanley, Kyle Karinen, and Mike Ellsworth on May 15, 2014. The workgroup reviewed the disciplinary performance measures and discussed how the commission should measure our success. The current performance measures may not be an accurate reflection of our progress due to how some items are being tracked in the database.

Mr. Ellsworth drafted a decision tree to assist commission members with reviewing cases and determining how to proceed. He will present the decision tree to the commission under item 12. 1.

- The *Investigation Workgroup* and program staff held a noon conference call with the department's investigation staff, Don Painter and Tammy Kelley. They discussed a process improvement suggestion regarding assigning a commission member, investigator, and staff attorney immediately when a case is opened so they can meet and determine what evidence to gather in the investigation.

An investigations list is being created outlining specific things to look for and what evidence the investigator should gather on certain cases. Certain cases may require the pre-assignment of the commission member, investigator, and staff attorney so they can meet and determine how to proceed with the investigation. This approach should expedite the investigation and alleviate the investigator needing to return to the chiropractor's office to obtain additional information.

The list will include the types of information or documentation that is needed in most cases.

- The *Budget Workgroup* and staff met with department's finance staff Steve Hodgson and Jeff Orwig on May 29, 2014. The workgroup looked at the budget summary and format. It was suggested that more detail be added to the budget summary for clarity.

The pilot project legislative fiscal note was also reviewed. The legislation gave the commission the allotment and staff for the full five-year pilot project. The commission doesn't need to submit a decision package to the Office of Financial Management requesting more allotment, as we are under spent in our budget.

The workgroup also reviewed the billing formula that is used to determine how to charge the department's various service units for providing commission services.

- The *Administrative Workgroup* and staff met with department's credentialing staff Diane Young and Ericka Brown on May 30, 2014. The workgroup reviewed performance measures relating to credentialing. Program staff continue to work closely with the credentialing office and work on improving the performance measures.

The workgroup also looked at applications and creating a separate application for [preceptors](#) and [30-day permits](#). Program staff are developing a plan to receive ongoing reports from the credentialing office about the number of applications pending, processed, etc.

3. COMMISSION LEADERSHIP NOMINATIONS – Dr. Smith

- 3.1 Commission members nominated and voted for the chair, vice-chair, and the Executive Committee (EC) public member positions. The terms are effective June 13, 2014 through June 30, 2015.

The nominees are:

- Chair – Gary “Gabe” Smith, DC
- Vice Chair:
 - Matthew Waldron, DC
 - Winfield Hobbs, DC
- EC public member:
 - Jim Slakey

The commission voted by way of a written ballot and the 2014/2015 leadership is:

- Dr. Smith, Chair
- Dr. Waldron, Vice-Chair
- Jim Slakey, EC’s Public Member

4. LEGISLATION IMPLEMENTATION – Leann Yount, Program Manager 9:45 a.m.

- 4.1 Ms. Yount presented the Reducing Fraudulent Use of Disabled Parking Placards and Plates ESSB 5024 Disabled Parking Work Group Recommendations report. It was determined that even though chiropractors can prescribe disabled parking permits, rulemaking is not needed at this time.
- 4.2 Commission members reviewed and discussed [HB 2315](#) – Concerning suicide prevention. The bill is effective June 12, 2014.

The commission discussed the options listed in HB 2315 to either require a one-time, three or six hour continuing education (CE) course, or to waive the CE requirement all together. Even though treating mental health conditions is not within the chiropractic scope of practice, and because chiropractors see patients, it was determined that a one-time, three-hour CE course in suicide prevention is necessary.

The commission voted all in favor for this option.

It was mentioned that possibly the WSCA could hold a CE course during the winter conference and/or the Medical Commission during their educational conference. Ms. Yount will inquire with them.

The item was moved to the Continuing Education/Standard of Care Committee to begin rulemaking.

5. ASSISTANT ATTORNEY GENERAL REPORT – Lilia Lopez, AAG 10:15 a.m.

- 5.1** Lilia Lopez, AAG, reviewed the [chiropractic laws](#) and the [Uniform Disciplinary Act](#) and determined that the commission can charge for the cost of the jurisprudence (JP) exam in disciplinary cases. [RCW 18.130.160](#) states that all costs associated with compliance are the obligation of the license holder.

A motion was made to assess the cost associated with administering and grading the JP exam. Program staff will obtain the information and present it at the October commission meeting. The motion was approved all in favor.

- 5.2** The commission asked Ms. Lopez to conduct research to determine if it's considered fee splitting when chiropractors use multi-level marketing vendors to sell vitamins and nutritional supplements to patients. Because there are various scenarios of multi-level marketing, and how they are administered, Ms. Lopez advised that anytime there is a kick-back involved, there would be an issue. These issues would have to be reviewed on a case-by-case basis if a complaint was filed.

- 5.3** Commission members reviewed and discussed [ESHB 2160](#) – Physical Therapist (PT) and spinal manipulation to see if the chiropractic commission needs to conduct rulemaking. Mr. Nicoloff will check with the Executive Director for the PT Board and see if he can attend the next commission meeting.

This item was moved to the Research Committee to further the discussion and see what type of rulemaking may be needed.

6. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE) AND FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB) DELEGATE REPORT 10:45 a.m.

- 6.1** FCLB held their annual Connecting Regulators conference on April 30, 2014 - May 4, 2014 in Myrtle Beach, South Carolina. Harold Rasmussen, DC and Program Manager Leann Yount attended the conference.

NBCE also held their annual business meeting of state delegates on Friday, May 2, 2014 in conjunction with the FCLB conference. Dr. Rasmussen and Ms. Yount attended the May 2, 2014 meeting. A new District I Director was appointed, Carol Winkler from North Dakota. Changes to the bylaws were also made to make them more understandable.

Dr. Rasmussen reported on his and Ms. Yount's attendance at the FCLB conference. Dr. Rasmussen said it was an excellent conference. It provides an opportunity to share ideas and issues with other states and get their perspective. Washington continues to be ahead of other states because we have many laws/rules and processes already established that other states don't. You can view the full [FCLB report](#).

Ms. Yount reported on the Chiropractic Board Administrators meeting that was held on Wednesday, April 30, 2014, as follows:

11 States Represented:

- South Carolina
- Louisiana
- Oklahoma
- Ohio
- Kansas
- West Virginia
- Minnesota
- Washington
- US Virgin Islands (recipient of registration scholarship)
- Arizona
- Massachusetts

Welcome and Opening Remarks:

- Beth Carter, CBAC Co-Chair, Executive Director Oklahoma Chiropractic Board
- Dr. Leroy Otto, FCLB President
- Dr. Norman Ouzts, NBCE President
- Dr. Daniel Cote', Oregon Board Chair and NBCE District I Director.

Dr. Cote' reported that the Oregon Board's Executive Director is leaving the position the end of June. He mentioned the board is recruiting for a replacement. He encouraged the Executive Directors to let others know that may be interested in applying. The recruitment period was extended to May 11, 2014.

Dr. Otto, Dr. Ouzts, and Beth Carter welcomed everyone and thanked them for attending the Chiropractic Board Administrators Committee (CBAC) meeting. They expressed the importance of the meeting and encouraged dialogue and idea sharing amongst the states.

Dr. Otto encouraged communication with the various boards on items of interest and/or if a board needs information about a particular area of interest. He mentioned the boards should have a standing agenda item for FCLB communication.

Dr. Otto reported that 50% of the states accept Pre-Approved Continuing Education (PACE) CE. He stated PACE CE assures that the CE course meets many standards. Courses are offered in a variety of categories including philosophy, radiology, technique, etc. He mentioned the PACE CE will be tracked online in the future so it can be accessed easily. He said many colleges are on board to report CE this way.

The Certified Clinical Chiropractic Assistant (CCCA) program has been slow to start due to some glitches between the FCLB and the NBCE. They are working out the kinks so chiropractic assistants (CA) can be recognized by the FCLB. Next is to go to the colleges that offer a CA program and let them know that CAs are recognized by the FLCB. This should assist with mobility for CAs.

FCLB is creating a central licensing compact for travel-to-treat applicants. FCLB will verify that the chiropractor is licensed and it's in good-standing. The International groups are interested as well. They are trying to implement it this year.

FCLB may offer a new doctor orientation presentation about what hat the chiropractor is wearing. It was mentioned that the book "How the Board Functions," by author James Carver, is helpful.

The FCLB's Fellow position is becoming available. Dr. Larry Spicer is terming off. This position is now a voting position. The position offers two, three-year terms.

Dr. Ouzts reported that NBCE's long-time Executive Director Donna Liewer is retiring in June. The board conducted interviews and hired past president of Sherman Straight Chiropractic College, Dr. John Schwartzbauer.

Presentations:

- NBCE/Ethics and Boundaries Assessment Services (EBAS) Exam – Dr. Judi Gerstung
 - Computer based essay exam offered through Pearson Vue Testing Centers at various locations.
 - Exam is administered online and offered six days a week versus six times yearly.
 - The exam can now be accessed on www.ebas.org.
 - The NBCE also website links to the EBAS website.
 - EBAS sends a confirmation letter and authorizes the exam for 90-days.
 - Currently taking up to six weeks to obtain test scores.
 - Will start grading twice a month.
 - Exam is \$1500 and \$500 for retakes.
 - First time takers pass rate is 59%.
 - Often times the areas the applicants fail on the exam are the same areas the applicant is being disciplined in.
 - EBAS website has an exam study guide available.
 - Several states are using the exam.
 - Examiners can't grade an examinee from the same state they are licensed in.
 - NBCE is extending the opportunity to board administrators that are interested in becoming a grader for the EBAS exam.
 - NBCE is now offering the EBAS exam to other professions.
 - Colleges are also interested in having their professors take the exam.

Jurisdiction Reports – Discussion Topic:

- Hiring an investigator as a board employee versus contracting:
 - Some states hire their own investigators as employees.
 - Some states require the investigator to complete the three-day National Certified Investigator and Inspector Training (NCIT) offered by the Council on Licensure, Enforcement, and Regulation (CLEAR).

- Some states fall under an umbrella agency and have an investigations unit comprised of several investigators to investigate several health professions. Typically the same two or three investigators get assigned the chiropractic cases for continuity.
- Many of the states' investigators have a law enforcement background.
- Some states have the investigator work with the assistant attorney general to direct the investigation.
- Oklahoma can issue a citation/fine on site for clear violations.
- Louisiana has a bank of investigators with specialties in a certain areas.
- Some states have found that contracted investigators, and investigators that don't have a chiropractic license, don't always know the right questions to ask during the investigation, or understand the regulatory issues.
- Has Your Jurisdiction Defined What Practicing Chiropractic Is?
 - Arizona has it defined but can't interpret the law. Individuals that need an interpretation must seek their own legal counsel for an interpretation.
 - South Carolina requires the chiropractor to be licensed in the state.
 - Oklahoma has been challenged a lot stating the chiropractor is not establishing a doctor/patient relationship.
 - Minnesota law currently requires the chiropractor to be licensed in a jurisdiction, but doesn't require them to be licensed in Minnesota. Disputes go to arbitration for a third party review. They are writing Independent Chiropractic Examination rules now. Their practice act hasn't been updated since 1975.
 - Massachusetts reviews the contract between the insurance company and the chiropractor to see if it requires the reviewer to be licensed in the field. Guidelines were rewritten to include "may" be licensed in the field as optional language but not required.
 - US Virgin Islands just expanded their scope of practice. The Governor vetoed the bill but the Senate over-turned the Governor's decision.

- Does Your State Offer a Jurisprudence (JP) exam?
 - Some states offer an online JP exam and it gets scored immediately.
 - Some states offer the JP exam in house.
 - Some states require chiropractors to take the JP exam every so often as part of their renewal requirements.
 - Some states offer CE credit for taking the JP exam.
 - Some states offer their JP exam through Dr. Steve Foreman's <http://myicourse.com>. You can tailor the exam to meet many needs. Some examples include as part of training, discipline, or initial licensure. The exam can be set up using 50 scenario statements with violations. Then the chiropractor chooses from a list of multiple choice scenarios and has to select the correct violation in that scenario.
 - Minnesota offers their exam this way. They have shown a reduced complaint rate of new graduates by 50%.
 - You can model the exam towards current issues in the field.
 - Some states don't offer a JP exam.
- How Does Your State Handle Scope of Practice Questions?
 - Some states tell the person to seek their own legal counsel for guidance.
 - Some states share experiences of how their board views/disciplines matters.
 - Some states offer assistance with a disclaimer that they can't provide legal advice.
 - Some states allow whatever is taught in the chiropractic colleges as being within their scope of practice.
- How Does Your Board Handle Complaints Against a Current Board Member?
 - Some states require 12 hours of mandatory training.
 - Some states require all boards to have new member orientation training.
 - Some states offer CE for new orientation training.

- How Does Your Board View Ambulance Chasers?
 - Some states allow it
 - Kansas views it as fee splitting

Applications, Renewals, & Citizenship– Dale Atkinson, JD

Mr. Atkinson is the attorney to FCLB and FARB and he presented about:

- Practice Management Groups or Maximize Living Groups.
- www.FARB.org has a model code of conduct and model licensing and disciplinary documents.
- At the start of a meeting, the chair should set the ground rules to include:
 - Introductions, No video-taping, when someone can speak, identify any potential conflicts of interest, statistics of licenses issued, disciplined, renewed, vote on absences if they are excused or unexcused, etc.

CBAC Business Meeting:

- CBAC Financial update
- 2015 CBAC Meeting Ideas and Speaker Suggestion:
- Gary Schultz, DC, DACBR as a presenter on ethics/boundaries
- Presenter about how to deal with the media
- Send agenda item suggestions to CBAC by January 2015.

6.2 FCLB is holding their [District I and IV fall regional conference](#) on October 9 - 12, 2014 in Santa Ana Pueblo, New Mexico.

The commission identified who is interested in attending the conference. It was decided that Mr. Nicoloff, Dr. Chan, and Dr. Folweiler will attend the 2014 FCLB conference. Dr. Waldron will be an alternate, if needed.

The October commission meeting is currently set for October 9, 2014. A motion was made to move the October 9th meeting to October 16th so the commissioners attending the NBCE district conference can also attend the commission meeting. The motion was approved all in favor.

7. NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE) MEETING – David Folweiler, DC

7.1 Dr. Folweiler attended the NBCE Part IV Test Committee meeting on June 6-7, 2014. Dr. Folweiler enjoyed participating and learned about the EBAS exam and process.

8. NEW BUSINESS REQUESTED FROM APRIL 10, 2014 MEETING

11:00 a.m.

8.1 The following items were requested for discussion and consideration:

- A scenario was provided regarding when an Independent Chiropractic Examination (ICE) is conducted that only includes reviewing x-rays, is that actually an ICE in the true sense, or is it considered a records review because the patient isn't being physically examined. By only reviewing x-rays, it doesn't change the status of the patient's condition. If the chiropractor provides an opinion about the patient's health status as being "reasonable and necessary" or "fixed and stable," but doesn't actually physically exam the patient, how can the examiner conclude what the current status of the patient really is? Mercy guidelines were also mentioned.

The commission also considered if they should create a rule about ICE paper reviews. After discussion this item was moved to the Instrumentation and Procedures/Standard of Care Committee for further discussion and consideration.

- Electronic health records - backing-up and/or transferring records:

A question arose regarding what happens in cases when chiropractors don't have access to their electronic records when they use an outside company and that company closes. There was concern that some companies may not release records to the chiropractor in cases where there is a change in the company, or if the company goes out of business. Where does that leave the chiropractor? The commission discussed this scenario. [WAC 256-808-650](#) - records retention requires chiropractors to retain patient records for at least five years. It was suggested chiropractors need to back up their electronic records.

- Spring workshop 2015. The commission decided to move this item to the Executive Committee to discuss and report back to the commission during the committee reports.

8.2 The commission discussed delegating CE Audits to program staff. Program staff asked if routine CE audits approvals can be delegated to the Program Manager in order to save time and resources. Non-routine CE audits, or denials, would still be presented on a panel call for a commission decision. The commission thought a policy should be created. This item was moved to the Continuing Education/Standard of Care Committee to determine criteria for the policy.

9. MOCK DISCIPLINARY AUDIT CASE REVIEW – Dr. Schmitt

11:30 a.m.

9.1 Dr. Schmitt presented a mock case for training purposes.

LUNCH - Commission members continued meeting through lunch.

12:00 p.m.

- The Legal and Investigation Pilot Workgroups, and program staff, conducted a conference call with department staff to discuss a new approach to assigning cases. The workgroup met and discussed the proposed new approach. The workgroup decided to work on a list that will include the types of information or documentation that is needed in most cases. The list should assist the investigator in gathering all the necessary information that the assigned commission member needs when reviewing a case.

10.1 Planning/Executive Committee:

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

Priority #1

- Committee members reviewed a draft policy on scope of practice requests and recommended approval. On presentation to the commission, the policy was approved.

Priority #2

- Committee members discussed and began planning a 2015 spring workshop. The committee recommended holding the workshop on April 10-12, 2015. Several locations were recommended. Staff will look at the availability and cost of the locations and present at the next commission meeting.

Priority #3

- Committee members discussed and selected commission articles for the WSCA Plexus Newsletter. The committee selected an article on coding written by Dr. Rasmussen and x-ray quality written by Dr. Smith. Dr. Waldron and Mr. Nicoloff will work on an article regarding the pilot.

10.2 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 revised version of the budget report. Mr. Slakey reported that the budget report continues to be refined. The budget workgroup has met several times with department budget staff and will continue to look at the cost allocation model, how it is charged, and rational. The commission's budget is currently under spent in all areas. The budget will continue to be closely monitored.

10.3 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 reviewed a draft policy regarding changes to items on the Classification of Chiropractic Procedures and Instrumentation List. On presentation to the Commission, the draft policy was approved for use.

10.4 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 current disciplinary matrix statistics. No recommendations or changes were suggested.

Ongoing

- Committee members reviewed the following list and label request:
 - Veeva Systems – Requested list/labels to be used for licensure verification to determine which providers are permitted to practice. Additional information is needed before the commission can make a determination. This item will be tabled and presented at the August 14, 2014 meeting, after additional information is received.

10.5 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 worked with the committee members to develop more questions for the jurisprudence (JP) exam. Mr. Nicoloff will work on having the JP exam administered online.
- The committee discussed creating a policy regarding delegation of CE audits. Mr. Nicoloff or Ms. Yount will draft a policy to be presented at that the August 14, 2014 meeting..

Ongoing:

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

10.6 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

Dr. Long reported that the records retention and suicide prevention CE requirement articles will be ready for the next newsletter.

Priority #2

- Committee members reviewed the draft April – June 2014 newsletter. The committee suggested some edits be made. On presentation to the Commission, Commission members voted all in favor for Ms. Yount to make the edits and send the newsletter to the chiropractic listserv and have it posted on the website.

Priority #3

- Committee members reviewed the Chiropractic Quality Assurance Commission Overview PowerPoint presentation. The committee has a few suggestions that will be sent to Dr. Smith for consideration.

Priority #4

- Committee members reviewed the chiropractic website. They are not ready to propose changes at this time. This item will be added to the August 14, 2014 meeting for further review.

Articles Under Review:

Ongoing:

- Summary of disciplinary cases – Leann Yount

10.7 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 discussing the Pilot Project Workgroups' progress and to begin identifying areas needing attention, and the next steps until the August 14, 2014 meeting.

10.8 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

Priority #1

- Committee members continued to review and work on the language of [WAC 246-808-150](#) – Continuing Education language for the CR102. The committee presented the draft language to the commission with their suggested changes. A motion was made to incorporate the changes and move forward with filing the CR102. The commission voted all in favor. Ms. Yount will move forward with filing the rule.

10.9 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 for the CR102. The discussion and drafting the rule language will continue at the August 14, 2014 meeting.

11. COMMITTEE REPORTS

3:00 p.m.

11.1 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 10.

12. OFFICES OF LEGAL SERVICES UPDATE – Mike Ellsworth, Supervising Staff Attorney

12.1 Mike Ellsworth provided an update to the commission about:

- Alternatives to Discipline Agency Request Legislation Proposal:

Mr. Ellsworth presented the department's preliminary draft language on alternatives to discipline. The department is proposing agency request legislation to offer another resource to use in disciplinary matters for all professions under the Uniform Disciplinary Act. This alternative would be used for technical violations, such as recordkeeping, and would not be reportable to the national databanks.

The draft presented will be forwarded to Secretary Weisman for his review and support on it moving forward as agency request legislation.

A motion was made that the commission should let the department know that it supports the proposal and hopes it moves forward. The motion was approved all in favor. Mr. Ellsworth will note the commission's support and inform the department.

- Disciplinary Decision Tree – Mr. Ellsworth presented the decision tree to the commission and asked them to provide feedback with any changes or suggestions. A couple minor edits were requested. Mr. Ellsworth will make the changes and send the revised document to Ms. Yount to provide to the commission.

13. MANAGEMENT REPORT – Bob Nicoloff and Leann Yount

3:30 p.m.

13.1 Mr. Nicoloff presented the draft policy on public information and scope of practice requests under item 10.1.

- 13.2** Dr. Rasmussen provided an update on the April 2014 WSCA annual board meeting. WSCA has contracted with Peick and Associates to provide free legal advice to chiropractors that are members of the WSCA. WSCA was approached about legislation regarding multi-disciplinary practices in Washington. Currently an allopathic physician cannot employ a chiropractor and vice-versa. WSCA does not want to pursue legislation at this time. [Chapter 18.100 RCW -Professional Services Corporation](#) law allows them to partner together as long as they are equal partners.

The WSCA annual winter conference will be held on October 17-19, 2014 at the Hilton Seattle Conference Center in SeaTac, WA. The commission will reserve a table at the conference but will not provide a presentation again this year.

13.3 Other relevant items to include:

- New mailing address effective June 2, 2014 for all correspondence, except applications, supporting documents, and license renewals.

The commission's new address is:

Chiropractic Quality Assurance Commission
PO Box 47858
Olympia, WA 98504-7858

- Recruitment update – A mass-mailing recruitment announcement was mailed to all Washington State licensed chiropractors in May for two chiropractic and one public member vacancies on the commission. We received 24 applications for the positions. Two applications were received for the public member position and 22 were received for the chiropractic member positions. The Executive Committee leadership reviewed the applications and provided names for program staff to conduct additional vetting. The Governor's office is the appointing authority and will make the final decision.
- Chiropractic-QAC listserv update – As of June 4, 2014 there were a total of 495 subscribers to the chiropractic emailing listserv. Information regarding how to sign up for the listserv was included with the recruitment mass-mailing and the listserv membership increased from 453 members to 495.

14. NEW BUSINESS

- 14.1** Commission members and program staff didn't have any new request items for the next meeting agenda.

15. PUBLIC COMMENT

3:45 p.m.

- 15.1** Members from the public were given the opportunity to address the commission. There were no members of the public in attendance.

16. CONSENT AGENDA

Items listed under the consent agenda (informational items) are routine agency matters. Items were approved by a single motion of the commission without discussion.

16.1 April 2014 issue of “The Sentinel News for Department Employees.”

16.2 Chiropractic and chiropractic x-ray licensing statistics as of June 2014.

16.3 Michigan’s “Insurer’s doctor could not be disciplined because he owed no duty of care to patient, court rules” article in the November/December 2013 Professional Licensing Report.

17. COMMISSION ADJOURNMENT

4:19 p.m.

Next Business Meeting:

August 14, 2014
Department of Health
Point Plaza East, Room 152/153
310 Israel Rd. S.E.
Tumwater, WA 98501

Prepared By: Leann Yount, Program Manager

Date

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

Date

Licensing Statistics as of May 30, 2014

Chiropractic X-ray Technicians

	April 3, 2014	May 30, 2014
Total Active Licenses	214	206
Total Pending Licenses	11	7
Expired in Renewal (expired within 1 year since last renewed)	48	58
Expired Licenses (expired more than 1 year since last renewed)	895	898
Total Revoked	1	1
Total Suspended	3	3
Active on Probation	0	0
Active with Restrictions or Conditions	0	0

Chiropractors

	April 3, 2014	May 30, 2014
Total Active Licenses	2339	2361
Total Pending Licenses	45	41
Total Inactive Licenses	170	162
Expired in Renewal (expired within 1 year since last renewed)	90	85
Expired Licenses (expired more than 1 year since last renewed)	2506	2526
Total Revoked	35	35
Total Suspended	43	42
Active on Probation	10	9
Active with Restrictions	1	1
Active with Conditions	14	12