



# CHIROPRACTIC QUALITY ASSURANCE COMMISSION MEETING MINUTES

February 12, 2015 – 9:00 a.m. to 8:00 p.m.

[DoubleTree by Hilton](#)  
415 Capitol Way N  
Olympia, WA 98501

*The [Department of Health](#) meetings are fragrance free. Please refrain from applying perfume, hairspray, cologne, or aftershave prior to your visit. Your cooperation is appreciated.*

### 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, Doug Long, DC (absent), Robert Schmitt, DC, Bryson Langel, DC, Ronwynn Pratt, DC, Harold Rasmussen, DC, David Folweiler, DC, Louise Stephens, Public Member, and Kimberly Corbin Waters, DC.

### Commission Staff Present

Leann Yount, Program Manager  
Bob Nicoloff, Executive Director  
Lilia Lopez, Assistant Attorney General (AAG)  
Don Painter, DOH Supervising Investigator  
Mike Ellsworth, DOH Supervising Staff Attorney

### Others Present

Danielle Welliever, DOH Policy Analyst  
Ericka Brown, Credentialing Supervisor  
Kevin Robbins, Credentialing, Section Staff  
Suzanne Becker, AAG  
Tom Graham, AAG

On February 12, 2015 the Chiropractic Quality Assurance Commission (Commission) met in Olympia, Washington at the DoubleTree by Hilton, 415 Capitol Way North, Olympia, WA 98501. 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 – February 12, 2015** **9:00 a.m.**

**1. CALL TO ORDER – Dr. Smith, DC, Chair** **9:00 a.m.**

- 1.1 The February 12, 2015 meeting agenda was approved with the following additions:
  - 1.3 – Washington State Chiropractic Association (WSCA) update – Dr. Rasmussen.
  - 9.3 – Instrumentation Committee – Review the Reviewing Commission Member (RCM) mentor/consultant selection guidelines and a chiropractor versed in imaging.

**1.2** The December 11, 2014 meeting minutes were approved with the following edits:

- 2.1, last bullet – changed the date from June 30, 2015 to June 30, 2016.
- 8.1, third bullet – changed date from February 12, 1015 to February 12, 2015.
- 13.3 – Added a handout reflecting the filed 2015 Commission meeting dates.

**1.3** Message from the Chair and/or Vice-Chair to include but not limited to:

- The Federation of Chiropractic Licensing Boards (FCLB) and the National Board of Chiropractic Examiners (NBCE) delegate and alternate delegate for the May 7-10, 2015 national conference in New Orleans, LA ([JW Marriott New Orleans](#)) are:
  - Dr. Matthew Waldron, Delegate
  - Dr. Winfield Hobbs, Alternate
- Commission members were asked about their interest in attending the October 1-4, 2015 [FCLB District I & IV meeting in Couer d'Alene](#) (The Couer d'Alene Resort). The following members expressed interest:
  - Dr. Aaron Chan
  - Dr. Robert Schmitt
  - Dr. Ronwynn Pratt
  - Dr. Gabe Smith
- Commission members discussed the rules chapter review and the need for additional meetings to work on the rules. Several options were considered. The Commission voted to begin meeting monthly starting April 9, 2015. Ms. Yount will look for meeting rooms to hold the first rule's workshops on May 14, 2015.
- Dr. Harold Rasmussen attended the February 7, 2015 [Washington State Chiropractic Association's](#) (Association) annual meeting. Highlights of the meeting included:
  - The new president of the Association is Dr. Stephanie Greenall
  - The Association is encouraging members to serve as [Commission approved preceptors](#) to supervise [chiropractic students](#) at various sporting events so they can gain [clinical experience](#) as part of their schooling.
  - A presentation on proposed legislation which might impact Washington State chiropractors, including [House Bill 1135](#) on the remediation alternative to discipline, and [House Bill 1471](#) (HB) regarding health insurance contracting practices.

**2. DEPARTMENT OF HEALTH LEGISLATIVE MEET-ME CALLS – Dr. Chan 9:15 a.m.**

**2.1** Dr. Chan provided a [legislative update](#) about the Department of Health’s weekly legislative meet-me calls for Board and Commission members.

Some of the bills discussed included:

- HB 1972 - Restricting the practice of sexual orientation change efforts
- Senate Bill (SB) 5870 – Prohibiting the use of aversion therapy in the treatment of minors
- HB1944 – Providing for certain exemption and immunities during a state of emergency.
- HB1779 – Requiring specialized training for persons conducting victim interviews as part of the disciplinary process for a health professional alleged to have committed sexual misconduct.
- HB1424 – Concerning suicide prevention
- SB5519 - Enacting the comprehensive marijuana reform act.
- HB5151 – Concerning cultural competency education for health care professionals.
- HB1135/ SB5754– Concerning remediation plans for licensed health and health-related professions to resolve eligible complaints of unprofessional conduct.

**3. NBCE PART IV EXAM – Dr. Smith 9:30 a.m.**

**3.1** The [NBCE](#) requested the presence of two Chiropractic Commission members to assist with administering two Part IV Practical Examinations and one chiropractor to attend the Test Committee Meeting. The Commission discussed this and decided to send the following representative:

- Spring Part IV Exam – May 15, 16, & 17, 2015
  - Dr. Ronwynn Pratt and Dr. Kimberly Corbin-Waters
- Fall Part IV Exam – November 13, 14, & 15, 2015
  - Dr. Matthew Waldron and Dr. Robert Schmitt.
    - Dr. Winfield Hobbs is an alternate
- Part IV Test Committee Meeting – June 12 & 13, 2015
  - Dr. David Folweiler

**4. INDEPENDENT CHIROPRACTIC EXAMINATIONS (ICE) INTERPETIVE STATEMENT – Lilia Lopez, AAG 9:40 a.m.**

**4.1** Ms. Lopez continued discussing the [Interpretive Statement \(IS\)](#) the Commission adopted in 2013. The IS focused on the scope of practice ([RCW 18.25.005](#)) in relation to independent chiropractic exams and not on paper/records reviews.

As part of the chiropractic scope of practice under RCW 18.25.005 and the definition of a “chiropractic differential diagnosis” under [RCW 18.25.006](#), the law requires a physical examination of the patient in order to provide a chiropractic differential diagnosis.

The Commission will continue discussing the various types of ICEs and may develop rules in the future.

**5. PILOT PROJECT PLANNING UPDATE – Bob Nicoloff, Executive Director 10:00 a.m.**

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

**Support Staff:**

Billie Jo Dale left her support role to the Commission on December 31, 2014. A new position description has been developed and the recruitment was posted under an Administrative Assistant 2 designation on February 11, 2015. Once the recruitment closes, the register will be requested and interviews will be conducted. We hope to introduce the new support staff at the April 9, 2015 meeting.

**Pilot Workgroup Reports:**

Reports were presented on the 2014 activities and recommendations for 2015 of the four Pilot Workgroups, as follows:

The **Administrative Workgroup** proposed eight recommendations including increasing performance metrics, developing more detailed license applicant status reports, adding two more online versions of the jurisprudence examination, and completing the updating of license applications and reference materials.

The **Investigation Workgroup** proposed five recommendations including strengthening the investigation performance expectations, conducting monthly meetings and developing detailed status reports on active investigations, completing the revision of rules related to investigation timelines, the development of investigation checklists, and improving member training materials on the disciplinary process.

The **Legal Workgroup** proposed fifteen recommendations including reducing the target timeline for completion of legal processes, increased legal case status meetings and reporting, expanding the number of staff attorneys assigned to the Commission, achieving greater participation of Commission staff in settlement negotiations, and increasing overall and ongoing communications between all parties throughout the legal processes.

The **Budget Workgroup** proposed six recommendations including requesting that the rules process to reduce chiropractor license fees be immediately initiated, confirming continuing budget allocations for the pilot project, seeking office space to accommodate the possible addition of staff members, and providing more detailed budget summary and financial trend reports to the Commission.

The Commission unanimously approved all thirty-three workgroup recommendations.

**6. REVIEW DRAFT PROCEDURE - INCOMPLETE LICENSE RENEWALS**  
– Bob Nicoloff, Executive Director

**10:15 a.m.**

- 6.1** Mr. Nicoloff handed out an example of a dental renewal card as well as [WAC 246-12-030](#) – How to renew a credential for review and consideration.

Department staff brought to our attention deficiencies they are seeing, or have seen, with chiropractic renewals, as well as other professions. Some of the renewal deficiencies include not signing the renewal card and not attesting to the continuing education (CE). When this happens, the money is still processed and the renewal is pending until the renewal card is signed or the deficiencies with the renewal are remedied.

Commission staff met with Josh Shipe, a Department of Health (Department) Customer Service Center manager, and learned that by placing information on the front of the renewal card versus the back, it allows for greater compliance because the information is being read and is not being missed. The Dental Commission moved their signature block from the back of the renewal card to the front and has seen a decrease in renewal deficiencies.

The Commission voted all in favor to move the signature block on the back of the chiropractic license renewal card to the front. During the next year staff will evaluate the impact of this change on reducing renewal deficiencies, and report back to the Commission, if necessary, regarding the need to develop additional procedures or policies on this topic.

**7. NEW BUSINESS REQUESTED FROM DECEMBER 11, 2014 MEETING**

**10:30 a.m.**

- 7.1** The following new business items were requested for discussion during the December 11, 2014:

- Update personal data questions on the license application – Dr. Hobbs
  - Dr. Hobbs inquired about the status of adding the following personal data question to the chiropractic application:

*“Are you now subject to a pending disciplinary action by a state, federal or foreign authority against any license, certificate, registration, or other privilege to practice a health care profession?”*

In 2012, a Commission member initially posed the question to the Commission due to a disciplinary case he was assigned to review.

The question was taken to the Department for consideration because, at that time, all of the personal data questions were the same on the various professions’ applications. The question was not added to the chiropractor application because the Department was only considering changes that would be appropriate for implementing on the applications of all of the health professions, and no consensus was reached regarding this question.

Subsequently, it has been discovered that the Medical Commission has added five more questions to their application. One of the questions being asked is about open complaints and pending investigations in other jurisdictions.

The Commission voted all in favor to add the following question to the chiropractic license application(s):

- “To the best of your knowledge, are you the subject of an investigation by any licensing board as to the date of this application?”

Ms. Yount will ask the Department to add this question to the chiropractic application(s).

- Form for suicide prevention training – Dr. Hobbs
  - Dr. Hobbs posed the question about how the Commission is going to track compliance with the new three hour, one-time CE requirement in suicide screening and referral. The Commission requested that staff create a message to be placed on the renewal card as another avenue to inform chiropractors of the new requirement.

The message will be presented at the April 9, 2015 meeting.

- Policy statement on closing a practice – Judy Colenso
  - Ms. Colenso was given the assignment by the Communication Committee to draft a newsletter article about [closing a practice](#). As part of her research for this task, she found a [Medical Commission](#) policy that addresses this topic. Ms. Colenso will draft a “Responsibility of a Retiring Chiropractor” article for the April 9, 2015 meeting.
- Follow up to Dr. Folweiler’s inquiry about communicating with the Washington State Legislature on chiropractic topics – Bob Nicoloff informed the Commission that:
  - If a commission member communicates with a representative from the legislature on a chiropractic topic, they need to make it clear they are not representing the Commission but their own interest, unless the Commission has specifically delegated them to represent them.
  - There are legislative reporting forms that have to be completed if a Commission member speaks to a legislative representative in person.
  - Lilia Lopez, AAG will provide a presentation about lobbying training at a future meeting.

**8. CASE REVIEW PROCESS – Mike Ellsworth, Supervising Staff Attorney and Don Painter, Supervising Investigator 11:00 a.m.**

- 8.1** Mr. Ellsworth and Mr. Painter gave the Commission a presentation regarding the disciplinary process for training purposes.

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

**9. CHIROPRACTIC QUALITY ASSURANCE COMMISSION COMMITTEES 1:00 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

**Pilot Committee:**

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

**Priority #1**

- Committee members began the preliminary stages of the Operating Agreement (OA) discussion. The Committee identified and recommended that the Commission's OA representatives be Dr. Smith, Dr. Waldron, and Jim Slakey.

The Commission voted all in favor.

**9.2 Budget Committee:**

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

**Priority #1**

- Committee members reported to the Commission that the condition of the Commission budget is strong. They recommend a cost analysis to know how much it would impact the budget to hold monthly meetings. Mr. Nicoloff reported that each meeting costs the Commission approximately \$5,000.

**9.3 Instrumentation and Procedure/Standard of Care Committee:**

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

**Priority #1**

- Committee members were given information that a disciplinary order required a mentor with an advanced degree in imaging and the RCM was having difficulty obtaining a qualified consultant. They reviewed the RCM Mentor/Consultant Selection Guidelines along with an interested chiropractor who holds a Diplomate of the American Chiropractic Board of Radiology, (DACBR). It was recommended that the Commission accept the chiropractor as meeting the requirements to mentor the disciplined chiropractor.

The Commission voted all in favor.

#### **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 continued to review and discuss [ESHB 2160 – Physical Therapist](#) (PT) and spinal manipulation. The spinal endorsement requires ten CE hours every two years. The Committee recommended the continued monitoring of the rulemaking.

##### **Ongoing**

- Committee members reviewed a list/label request from Professional Therapies NW and determined they meet the definition of an educational organization as required by law. Ms. Yount will send the approval letter.

#### **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**

- Accreditation of schools and colleges - The Committee reviewed and discussed [RCW 18.25.025](#), [WAC 246-808-020](#), [WAC 246-808-030](#), [WAC 246-808-040](#), and the college matrix information, along with the foreign trained accreditation bodies educational and exam requirements. They recommend that the Commission direct Ms. Yount to send a letter to the accreditation bodies noted on the matrix that have expired, or are pending, so it can be updated to make recommendations of continued recognition or not.

Commission members voted all in favor. Ms. Yount will send the letters and add the update to a future Commission meeting agenda.

##### **Ongoing:**

- Committee members reviewed jurisprudence examination comments received from license applicants. No changes in the examination questions were recommended.

#### **9.6 Communications Committee:**

Members include: Doug Long, DC, Chair, (absent), Judy Colenso, Public Member, Acting Chair, Robert Schmitt, DC, Ronwynn Pratt, DC, and Kimberly Corbin-Waters, DC

##### **Priority #1**

- Committee members reviewed two draft articles as well as continued working on drafting future articles to include:
  - Performance measures – Bob Nicoloff.
  - Responsibility of a Retiring Chiropractor – Judy Colenso
  - Continuing Education Audits
  - Pilot Project Update – Dr. Waldron and Mr. Nicoloff
  - Billing Federal L&I patients – Dr. Pratt
  - X-Ray Artifacts – Dr. Langel

- Role of a a Public Member – Louise Stephens & Judy Colenso
  - Online Jurisprudence Exam and New Disciplinary Exam Fee of \$100 – Dr. Chan
  - Ongoing Rules Updates – Leann Yount
  - What the Commission Does/Role of a Commissioner – Dr. Waldron
- The Oxygen Usage article assignment was reassigned from Dr. Long to Dr. Corbin-Waters.
  - Dr. Long will be highlighted in the next Commissioner Spotlight. Ms. Colenso will notify Dr. Long and request an article be sent to Ms. Yount for the newsletter.
  - Dr. Chan was assigned drafting the Online Jurisprudence Examination and New Disciplinary Examination Fee of \$100 article.
  - Dr. Waldron was assigned drafting the Future Care Contract article.

**Articles Under Review:**

- Records Retention – Dr. Long
- Policy to Review and Classify Procedures and Instruments – Dr. Hobbs

**Ongoing:**

- Summary of disciplinary cases – Leann Yount

**9.7 Pilot Committee:**

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

**Priority #1**

- Committee members met and discussed the 2014 workgroup activity reports and workgroup recommendations for 2015.

**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

**Priority #1**

- Committee members reviewed the standard of care rules in [WAC 246-808-301](#) through WAC 246-808-720 and identified areas needing amendment and reported their recommendations to the Commission.

The Commission voted all in favor for Ms. Yount to move forward with the CR101 for the full chapter.

## 9.9 Rules Committees Panel B:

Members include: Ronwynn Pratt, DC, Chair, Aaron Chan, DC, Doug Long, DC, Matthew Waldron, DC, Kimberly Corbin-Waters, 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 work independently and conduct their own research and bring their recommendations to the April 9, 2015 meeting for consideration.

### Priority #2

- Committee members reviewed the rules in [WAC 246-808-001](#) through WAC 246-808-040, the License-Application and Eligibility Requirements rules in WAC 246-808-101 through WAC 246-808-190, Registration of Chiropractic X-Ray Technicians rules in WAC 246-808-201 through WAC 246-808-215, and the Substance Abuse Monitoring rules in WAC 246-808-801 through WAC 246-808-830 and presented their recommendations to the Commission.

The Commission voted all in favor for Ms. Yount to move forward with the chapter CR101 and include the rules identified by the Committee.

## 10. COMMITTEE REPORTS 4:00 p.m.

10.1 Committees reported to the commission about their committee work. Some items were presented as a status update and others were presented for consideration as described in item 9.

## 11. MANAGEMENT REPORT – Bob Nicoloff and Leann Yount 4:25 p.m.

11.1 Mr. Nicoloff presented an update about the following [legislation](#):

- [HB1471](#) and [SB5560](#) – Mitigating barriers to patient access to care resulting from health insurance contracting practices.
  - The bill is with the Executive Committee. Mr. Nicoloff suggested that the Commission send a letter in support of the bill. Commission members voted all in favor to send a letter and directed Mr. Nicoloff work with the Executive Committee (EC) to draft a letter.
- [HB 1920](#) – Promoting the use, acceptance, and removal of barriers to the use and acceptance of electronic signatures.
  - This bill removes the licensing barrier of a hand written application that is signed and notarized.

- [HB1135](#) and [SB5754](#) – Concerning remediation plans for licensed health and health-related professions to resolve eligible complaints of unprofessional conduct.
  - These bills offer an alternate route to mentor a healthcare provider, in lieu of formal or informal disciplinary action if the conduct doesn't rise to the level of a standard of care or patient safety violation. Mr. Nicoloff recommended that the Commission send a letter of support.

Commission members voted all in favor to send a letter and directed Mr. Nicoloff to work with the EC on this letter.

- [HB1339](#) – Allowing the secretary of health to intercede and stay any decision of a disciplinary authority that expands the scope of practice.
  - This bill creates a process to allow the secretary of the Department to intercede and stay a decision of a disciplining authority that expands scope of practice.

**11.2** Mr. Nicoloff also reported the suicide CE bill ([HB 1424](#)) is alive and will likely pass. The bill clarifies when the training must be completed

**12. NEW BUSINESS**

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

**13. PUBLIC COMMENT**

**4:30 p.m.**

**13.1** No public comment was received.

**14. 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.

**14.1** December 2014 issue of "The Sentinel News for Department Employees."

**14.2** Chiropractic and chiropractic x-ray licensing statistics as of January 2015.

**15. COMMISSION DINNER ADJOURNMENT**

**4:35 p.m.**

**15.1** Commission members took a break for dinner.

**16. RESUME COMMISSION MEETING – Dr. Smith**

**5:45 p.m.**

**16.1** Dr. Smith called the meeting back to order and introduced guest presenters Dr. Beverly Harger, DC, DABCR Director, MS Diagnostic Imaging/Radiology Residency, Clinical Radiologist, with the Division of Clinic Affairs, College of Graduate Studies, at the University of Western States, Integrating Health and Sciences and Dr. Thomas Buchhammer, MD, DC, Diagnostic Ultrasound Provider, with the Division of Clinic Affairs at the University of Western States, Integrating Health and Sciences.

**17. DIAGNOSTIC ULTRASOUND PRESENTATION – Beverly Harger, DC and Thomas Buchhammer, MD, DC – University of Western States 6:00 p.m.**

**17.1** Dr. Harger and Dr. Buchhammer gave a diagnostic ultrasound presentation to the Commission for educational purposes. The presentation lasted for two hours and included a demonstration of the modality and a question/answer period.

**18. COMMISSION ADJOURNMENT 8:00 p.m.**

**Next Business Meeting:** April 9, 2015  
 Department of Health  
[Point Plaza East Building, Rooms 152/153](#)  
 310 Israel Road SE  
 Tumwater, WA 98501

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 Prepared By: Leann Yount, Program Manager

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 Date

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

\_\_\_\_\_  
 Date

*Licensing Statistics as of February 2, 2015*

**Chiropractic X-ray Technicians**

**November 19, 2014      February 2, 2015**

Total Active Licenses	203	204
Total Pending Licenses	18	12
Expired in Renewal (expired more than 1 year since last renewed)	66	65
Expired Licenses (expired within 1 year since last renewed)	918	929
Total Revoked	1	1
Total Suspended	3	3
Active on Probation	0	0
Active with Restrictions or Conditions	0	0

## Chiropractors

November 19, 2014

February 2, 2015

Total Active Licenses	2410	2426
Total Pending Licenses	47	41
Total Inactive Licenses	162	157
Expired in Renewal (expired within 1 year since last renewed)	92	92
Expired Licenses (expired more than 1 year since last renewed)	2552	2576
Total Revoked	36	36
Total Suspended	43	43
Active on Probation	7	6
Active with Restrictions	1	0
Active with Conditions	14	15