



# CHIROPRACTIC QUALITY ASSURANCE COMMISSION MEETING MINUTES

**June 11, 2015 – 9:00 a.m. to 3:35 p.m.**

Department of Health  
[CenterPointe, Building 2, Room 309](#)  
20425 – 72<sup>nd</sup> Avenue S  
Kent, WA 98032

### 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, 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)  
Mike Ellsworth, DOH Supervising Staff Attorney  
Jessica Jorgensen, Administrative Assistant

### Others Present

Danielle Welliever, DOH Policy Analyst  
Ericka Brown, DOH Credentialing Supervisor  
Colin Caywood, AAG

On June 11, 2015 the Chiropractic Quality Assurance Commission (Commission) met in Kent, Washington at the Department of Health 20425 – 72<sup>nd</sup> Avenue S Kent, WA 98032. 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 11, 2015** **9:00 a.m.**

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

- 1.1** The June 11, 2015 meeting agenda was approved
- 1.2** The April 9, 2015 business meeting and the May 14, 2015 rule writing workshop minutes were approved.
- 1.3** Message from the Chair and/or Vice-Chair included:
  - Dr. Smith introduced and welcomed Administrative Assistant 2 Jessica Jorgensen. She started working on May 18, 2015 to provide a support role to the Commission and staff.
  - Dr. Smith thanked everyone for their support while he chaired the Commission.

- Commission members were reminded that prior to a disciplinary order being served, the Reviewing Commission Member must review the order to ensure accuracy of the order being imposed.
- Dr. Waldron also reminded Commission members to get involved when selecting an expert witness to review the case. The expert reviewer should have expertise, or additional credentialing, in the subject matter that is being reviewed. For example, if a second opinion is needed for x-rays, seek a chiropractor that also holds a Diplomate of the American Chiropractic Board of Radiology (DACBR).
- Update on recruitment and Commission member appointments:
  - Dr. Rasmussen's second term ends on June 30, 2015
  - Four Commissioners are completing their first terms. They are all interested and have applied to be reappointed to a second term:
    - Dr. Pratt
    - Dr. Schmitt
    - Dr. Langel
    - Louise Stephens, Public Member
- Rules chapter review and additional meetings update:
  - July 9, 2015 – Kent, Department of Health, Room 307
  - September 10, 2015 – Olympia, location to be determined
- August 13, 2015 Mock Case Presenter:
  - Dr. Waldron

**2. LEGISLATIVE UPDATE – Dr. Chan and Bob Nicoloff, Executive Director 9:30 a.m.**

**2.1** Dr. Chan provided a brief status update about the Department's legislative meet-me calls. He mentioned April 28, 2015 was the last call.

- Dead [bills](#) as of April 28, 2015:
  - HB 1135 – Concerning remediation plans for licensed health and health-related professions to resolve eligible complaints of unprofessional conduct.
  - SB 5151 – Concerning cultural competency education for health care professionals.
  - SB 6019 – Addressing adjudicative proceedings by state agencies.
  - HB1339 - Allowing the secretary of health to intercede and stay any decision of a disciplining authority that expands scope of practice.
- Bills of interest to the Commission that passed the 2015 legislative session:
  - ESHB 1424 – Concerning suicide prevention

- HB 1779 – Requiring specialized training for persons conducting victim interviews as part of the disciplinary process for a health professional alleged to have committed sexual misconduct.

**2.2** Mr. Nicoloff addressed SHB 1424 – Suicide Continuing Education (CE). The new requirement takes effect on July 24, 2015. Chiropractors that wait until 2017 to report their CE must take the CE from an approved vendor that will be identified on a new model list. This list has not been created yet. The Department of Health does have a model list of providers that offer courses. The [model list](#) was created in 2013 when the counseling professions were required by the legislature under [ESHB 2366](#) to take CE and create a model list.

Under SHB 1424, and beginning July 1, 2017, chiropractors must take their three hour suicide CE training from a vendor identified on the new model list that is based on rules to be developed by the Department of Health. The bill does not affect the validity of training completed before July 1, 2017. Should you choose to take the suicide CE training from any vendor prior to July 1, 2017, the CE will count as long as it covers at least three hours in suicide risk assessment and referral. The Commission also drafted a [newsletter](#) article about the suicide CE requirement.

### **3. BYLAW AMENDMENTS – Dr. Smith**

**9:45 a.m.**

**3.1** Dr. Smith presented the following amendments to the Bylaws for Commission consideration:

- Adding a new expectation under Article VI - Meeting Procedures section to read:
  - 4. Commission members will be respectful of each other at all times. Courtesy and respect will be given to the individual who has the floor, while addressing the question, before the Commission. Commission members need to be tolerant of other's opinions and philosophies.
- Revising an existing Rules of Procedure requirement under Article VI - Meeting Procedures section to read:
  - 8. If a procedural issue arises that is not covered by these bylaws and applicable state statutes, and the Commission cannot reach consensus on how to proceed, the Commission will follow the procedures contained in the most current version of Robert's Rules of Order.

Commission members discussed and voted all in favor to adopt the amendments and revise the Bylaws.

### **4. FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB), NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE) ANNUAL CONFERENCE, AND WASHINGTON STATE CHIROPRACTIC ASSOCIATION (WSCA) BOARD MEETING UPDATE**

**4.1** Dr. Waldron and Dr. Hobbs provided a brief update about the FCLB and the NBCE annual national conference that was held on May 7-10, 2015 in New Orleans, LA (JW Marriott, New Orleans). You can read the full [FCLB report](#) from their website at [www.fclb.org](http://www.fclb.org).

- 4.2** Bob Nicoloff, Executive Director and Leann Yount, Program Manager provided a brief update about their attendance at the Chiropractic Board Administrators (CBAC) meeting that was held on May 6, 2015.

The topics covered included:

Jurisdiction Reports:

- International Applicants / Licensure Process
- Chiropractic Assistants Certification
- Dry Needling
- New Board Members Orientation
- How often is your practice act reviewed?
- Tele-Medicine
- Licensing Chiropractic Facilities

CBAC Business Meeting:

- CBAC Financial Update
- 2015 CBAC Meeting - ideas, speakers and other thoughts
- Board Administrator Outreach ~ assigned contacts
- Liewer-Cohen Scholarship - Discussion

Dale Atkinson - Supreme Court Ruling of North Carolina State Board of Dental Examiners vs. Federal Trade Commission (FTC):

- Overview and Potential Implications for State Chiropractic Licensing Boards

- 4.3** Dr. Rasmussen provided an update about the Washington State Chiropractic Association (WSCA) board meeting he attended on May 7, 2015.

Some of the items discussed included:

- Legislative update
- Commission rules workshop
- Physical Therapy spinal manipulation rules hearing
- Bylaw changes
- Conference and retreat planning
- Budget and membership report

Commission members also voted Dr. Folweiler to be the new Commission liaison to the WSCA to replace Dr. Rasmussen since he is terming off the Commission.

## **5. BOARD OF PHYSICAL THERAPY'S SPINAL MANIPULATION HEARING – Dr. Chan**

- 5.1** Dr. Chan provided an update about the Board of Physical Therapy's spinal manipulation rules hearing he attended on June 1, 2015.

The Board received the Commission's letter dated May 28, 2015 expressing concern regarding the additional endorsements and advanced certifications that are proposed under WAC 246-915-382 as having training requirements commensurate with the training requirements for the spinal manipulation endorsement that are set forth in RCW 18.74.190(1)(a) - (d). The letter recommended that the list of endorsement/certifications in

WAC 246-915-382 be reevaluated to ensure that the requirement for commensurate training is met. The board assured Dr. Chan that the training is commensurate and the listed courses are the gold standard for the profession. The chair said the board will look at the training again and consider recognizing more training/professions in the future. He mentioned the Masters versus the Diplomate in Physical Therapy (DPT) degrees are different with the last year of training, as the DPT offers more differential diagnoses with clinical supervision and testing. The DPT is the most desirable degree to hold but it is not a requirement.

**6. COMMISSION LEADERSHIP ELECTIONS – Dr. Smith 10:15 a.m.**

**6.1** Commission members reviewed the nominations and voted for the following 2015-2016 Chair, Vice-Chair, and Executive Committee Public Member positions effective June 12, 2015 – June 9, 2016.

The Commission voted for the following June 12, 2015 – June 9, 2016. leadership positions:

- Chair – Dr. Matthew Waldron
- Vice-Chair - Dr. Winfield Hobbs and Dr. Aaron Chan
- Executive Committee Public Member - Judy Colenso

**7. MOCK DISCIPLINARY AUDIT CASE REVIEW – Dr. Pratt 10:30 a.m.**

**7.1** Dr. Pratt presented a mock case for training purposes.

**LUNCH - Commission members continued meeting through lunch. 11:30 a.m.**

**8. CHIROPRACTIC QUALITY ASSURANCE COMMISSION COMMITTEES 12:00 p.m.**

**8.1 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**

- Committee members continued discussing and developing goals for the revisions to the Commission/Department Operating Agreement.

**8.2 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 reviewed and discussed the current budget report. The revenues and expenditures are tracking as budgeted and continue to remain in an acceptable range.

### **8.3 Instrumentation and Procedure/Standard of Care Committee:**

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

#### **Priority #1**

- No new business requests were received

### **8.4 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**

- No new business requests were received

#### **Ongoing**

- Committee members reviewed three list/label requests and determined that the following entities met the definition of a professional association or educational organization as required by law and are approved to receive lists/labels:

Bob Haase with Haase Seminars:

- Requested list/labels to be used to inform physicians and manual therapists of continuing education classes.

University of Western States:

- Requested list/labels to be used to verify license numbers when issuing transcripts for continuing education credits.

Provider Compliance Solutions:

- Requested list/labels to be used to advertise continuing education seminars and courses.

### **8.5 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 reported that the online Jurisprudence (JP) examination will be offered soon. Commission staff had to meet with the Department of Health Credentialing Steering Committee to present the application changes, which included adding the online JP examination instructions.

#### **Ongoing:**

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

## **8.6 Communications Committee:**

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

### **Priority #1**

- Committee members reviewed the April – August 2015 draft newsletter and provided edits to the Commission. Commission members voted all in favor to adopt the edits. Ms. Yount will make the changes, post the newsletter on the website, and send it to the chiropractic listserv.

### **Priority #2**

- Committee members continued reviewing and drafting articles including:
  - Performance measures – Bob Nicoloff.
  - Responsibility of a Retiring Chiropractor – Judy Colenso
  - Continuing Education Audits – Dr. Schmitt
  - Pilot Project Update – Dr. Waldron and Bob Nicoloff
  - Update Suicide screening and referral – Bob Nicoloff or Leann Yount
  - Billing L&I patients – Dr. Pratt
  - X-Ray Artifacts – Dr. Langel (September – December Edition)
  - Role of a Public Member – Louise Stephens & Judy Colenso
  - Online Jurisprudence Exam and New Disciplinary Exam Fee of \$100 – Dr. Chan (September – December Edition)
  - Ongoing Rules Updates – Leann Yount
  - What Commission Does / Role of a Commissioner – Dr. Waldron
  - Commissioner Spotlight – Dr. Hobbs (September – December Edition)

Committee members will review the September – December draft newsletter articles during their August 13, 2015 meeting.

## **8.7 Pilot Committee:**

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

### **Priority #1**

- Mr. Nicoloff reminded the committee members about the July 29, 2015 chiropractic licensing fee hearing. The proposal includes reducing the application and license renewal fee \$50.00 each. The new fees will take effect in January 2016.

### **Priority #2**

- Committee members discussed the current Commission staffing, opportunities, and adding responsibilities and functions to the Commission personnel. They were provided with three different staffing scenarios that included six year projections and the \$50 licensing fee decrease.

Mr. Nicoloff pointed out that the Commission currently has a vacant Health Services Consultant 2 (HSC2) position that Billie Jo Dale held. The position description will have to be revised to fit the needs of the new position, and then the position can be advertised.

Mr. Nicoloff also reminded the Commission that the revenue may have a slight decrease after the \$50 fee decrease takes effect and the HSC2 position is filled.

The Commission voted all in favor to hire one more staff at an HSC2 level position by January 2016 to handle the compliance and licensing functions.

**8.8 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

**8.8 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

Rules Committees A and B continued working on revising the following rules:

- [246-808-020](#) Colleges—Policy.
- [246-808-030](#) Accreditation of colleges—Procedure.
- [246-808-040](#) Colleges—Educational standards required for accreditation.

**LICENSURE - APPLICATION AND ELIGIBILITY REQUIREMENTS**

- [246-808-105](#) Chiropractic licensure—Initial eligibility and application requirements.
- [246-808-115](#) Examinations.
- [246-808-130](#) Temporary permits—Issuance and duration.
- [246-808-133](#) Background check—Temporary practice permit.
- [246-808-135](#) Licensure by endorsement.
- [246-808-140](#) Thirty-day permit.
- [246-808-180](#) Expired licenses—Requirements for reactivating a chiropractic license.
- [246-808-181](#) Inactive credential.
- [246-808-190](#) Preceptor or direct supervisory doctor.

**REGISTRATION OF CHIROPRACTIC X-RAY TECHNICIANS**

- [246-808-215](#) Registration of chiropractic X-ray technicians.

**STANDARD OF CARE**

- [246-808-320](#) Privileged Communication
- [246-808-330](#) Patient Abandonment
- [246-808-340](#) Consultation
- [246-808-360](#) Patient Welfare
- [246-808-370](#) Patient Disclosure
- [246-808-380](#) Degree of Skill

**9. COMMITTEE REPORTS**

**3:00 p.m.**

- 9.1** Committees reported to the Commission about their committee work. Some items were presented as a status update and others were presented for consideration.

**10. MANAGEMENT REPORT – Bob Nicoloff and Leann Yount**

**3:20 p.m.**

**10.1** Mr. Nicoloff provided an update to the Commission about the Operating Agreement meeting with the Department of Health that was held on June 5, 2015.

**10.2** Ms. Yount presented the 2016 [business meeting](#) dates and locations and tentative hearing dates to include:

- February 11, 2016 – Tumwater, location to be determined (TBD)
- April 14, 2016 – Tumwater, Department of Health (DOH), Point Plaza East (PPE)
- June 9, 2016 – Tumwater DOH, PPE
- August 11, 2016 – Kent, TBD
- October 13, 2016 – Kent, TBD
- December 8, 2016 – Tumwater, TBD

Ms. Yount will inform the Adjudicative Services Unit that chiropractic commission members will continue to keep Tuesdays and Wednesdays open for future chiropractic disciplinary hearings that may be scheduled.

**10.3** No other items were presented.

**11. NEW BUSINESS**

**11.1** Commission members requested the following items for the August 13, 2015 meeting agenda.

- Dr. Chan – cost estimate to hold meetings in Eastern versus Western WA
- Dr. Rasmussen – continue to review areas where the Commission can cut expenses without cutting out quality, to include extra focus in the disciplinary arena, particularly investigations.
- Dr. Hobbs - proposal of setting a Commission expectation to analyze areas for cost saving from ever year to every two or three years.
- Dr. Smith – request to send another letter to the legislature regarding the Commission’s continued interest and support of House Bill 1135 – Concerning Remediation Plans.

**12. PUBLIC COMMENT**

**3:30 p.m.**

**12.1** No members from the public were present to address the Commission.

**13. 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.

**13.1** June 2015 issue of “The Sentinel News for Department Employees.”

**13.2** Chiropractic and chiropractic x-ray technician licensing statistics as of May 28, 2015.

**13.3** New special parking privileges for persons with disabilities information from the Department of Licensing.

**14. COMMISSION ADJOURNMENT**

**3:35 p.m.**

**Next Rules Workshop:**

July 9, 2015  
Department of Health  
[CenterPointe, Room 307](#)  
20425 – 72<sup>nd</sup> Ave. S.  
Kent, WA 98032

**Next Business Meeting:**

August 13, 2015  
Department of Health  
[Point Plaza East, Rooms 152/153](#)  
310 Israel Road SE  
Tumwater, WA 98501

\_\_\_\_\_  
Prepared By: Leann Yount, Program Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved By: Matthew Waldron, DC, Chair

\_\_\_\_\_  
Date

*Licensing Statistics as of May 28, 2015*

**Chiropractic X-ray Technicians**

	<b>February 2, 2015</b>	<b>May 28, 2015</b>
Total Active Licenses	204	205
Total Pending Licenses	12	15
Expired in Renewal (expired more than 1 year since last renewed)	65	72
Expired Licenses (expired within 1 year since last renewed)	929	929
Total Revoked	1	1
Total Suspended	3	3
Active on Probation	0	0
Active with Restrictions or Conditions	0	0

**Chiropractors**

	<b>February 2, 2015</b>	<b>May 28, 2015</b>
Total Active Licenses	2426	2442
Total Pending Licenses	41	47
Total Inactive Licenses	157	155
Expired in Renewal (expired within 1 year since last renewed)	92	109
Expired Licenses (expired more than 1 year since last renewed)	2576	2578
Total Revoked	36	36
Total Suspended	43	42
Active on Probation	6	7
Active with Restrictions	0	0
Active with Conditions	15	16