



CHIROPRACTIC QUALITY ASSURANCE COMMISSION MEETING MINUTES

April 14, 2016 – 9:00 a.m. to 4:00 p.m.

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

Commission Members:

Matthew Waldron, DC, Chair, Aaron Chan, DC, Vice-Chair, (absent), Winfield Hobbs, DC, Vice-Chair, James Slakey, Public Member, Gabe (Gary) Smith, DC, Doug Long, DC, Robert Schmitt, DC, Bryson Langel, DC, Ronwynn Pratt, DC, Maria Best, DC, David Folweiler, DC, Louise Stephens, Public Member, Judy Colenso, Public Member, and Kimberly Corbin Waters, DC

Commission Staff Present

Leann Yount, Program Manager
Bob Nicoloff, Executive Director (by phone)
Lilia Lopez, Assistant Attorney General (AAG)
Mike Ellsworth, DOH Supervising Staff Attorney
Jessica Jorgensen, Administrative Assistant
Sue Hall, Compliance and Projects Manager

Others Present

Ron Rupke, Investigations Supervisor
Shannon Beigert, Investigations Office Director
John Macejunas, AAG
Nancy Elliott, Policy Office
Andy Fernando, Policy Office Director
Katie Wolf, Policy Office

On April 14, 2016, the Chiropractic Quality Assurance Commission (Commission) met in Tumwater, Washington at the Department of Health, 310 Israel Rd SW, Tumwater, 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 – April 14, 2016

9:00 a.m.

1. CALL TO ORDER – Dr. Waldron, DC, Chair

9:00 a.m.

1.1 The April 14, 2016 meeting agenda was approved with the following additions:

- Fee reduction discussion assigned to both committees;
- Petition for rulemaking inquiry;
- Executive Director expectations; and
- Review additional rules other than what’s only listed on the agenda.

1.2 The February 11, 2016 business meeting minutes and the March 10, 2016 special meeting minutes were approved.

1.3 Message from the Commission leadership included:

- Reminder about the April 27 – May 1, 2016, Federation of Chiropractic Licensing Board’s (FCLB) annual conference. Drs. Waldron, Chan, Hobbs, Pratt, and Mr. Nicoloff will attend the conference.
 - Dr. Waldron will ask other state delegates at the FCLB about online CE and limitations.
- Reminder about the National Board of Chiropractic Examiner’s Spring Part IV Examination on May 13 - 15, 2016. Dr. Pratt and Dr. Langel will assist at the University of Western States.
- Reminder to the Commission to bring their calendar to every meeting to prepare for future meetings and hearings.

2. INTRODUCTIONS – Dr. Waldron

9:15 a.m.

- 2.1** Dr. Waldron introduced Ron Rupke and Shannon Beigert from the Department of Health’s Investigations and Inspections Office. In addition, he also introduced the Commission’s newly assigned AAG, John Macejunas, as he is replacing Lilia Lopez, AAG.

Mr. Rupke presented the following information about the Department of Health’s Investigation and Inspection Office:

- There were several vacant investigator positions and they hired new employees to start addressing the case backlog.
- Investigations are taking on average 187 days to close.
- Compliance audits are allotted 60 days to complete.
- Three investigators attended the Council on Licensure, Enforcement, and Regulation (CLEAR) conference in 2015.

3. WASHINGTON STATE CHIROPRACTIC ASSOCIATION (WSCA) BOARD MEETING UPDATE

- 3.1** Bob Nicoloff provided an update about the WSCA board meeting he attended on March 17, 2016. The WSCA anticipates sending their letter regarding their input on the rules under review.

4. FUTURE RULES MEETINGS/UPDATES AND HEARINGS

9:30 a.m.

- 4.1** Commission members discussed the option of postponing the May 21-22, 2016 workshop until a later date. The Commission also discussed having the next rules workshop on May 12, 2016. After discussion it was decided that the Commission will postpone the workshop to the fall. It was also decided that the next rules workshop will be held on Thursday, May 12, 2016 at the Department of Health in Tumwater, in the Town Center Two building, room 158.
- 4.2** Commission members were updated about the rules. The Commission also discussed another way to move forward with the rulemaking in a more efficient and timely manner. The suggestion included repealing the current CR101 rulemaking form that included the majority of rules in WAC 246-808, and breaking them into smaller, more manageable packages. After discussion,

the Commission voted all in favor to break the large chapter rule package into five separate rules packages in order to set rules hearings.

There was a motion made and seconded to repeal the current CR101 and will file five new CR101s. Although some work will be required to repackage the rules, the process will be more successful with moving the rules forward.

4.3 Commission members volunteered as hearing panel members for the following 2016 hearings:

- July 19-20, 2016 – Panel B - selected 1 additional member
- August 3, 2016 – Panel B - selected 3 members
- August 16, 2016 - Panel B - selected 1 additional member

4.4 A petition request was received asking the Commission to consider removing the online continuing education (CE) hour limit that a chiropractor can obtain yearly. Andy Fernando, Policy Office Director, discussed the Interpretive Statement process. The Commission has 30 days to respond to the petitioner.

The Commission discussed this request and denied the request to lift the 12 hour online limit because they believe there is significant information to be gained by requiring at least 13 hours, of the 25 hours, of annual CE for licensure in Washington State be in-person.

4.5 Commission members were provided with the executive director expectations. They reviewed and approved the expectations handout.

The Commission also discussed some additional approaches to the annual evaluation to include input from staff, and the Commission as a whole. This item will be discussed further at the June 9, 2016 business meeting.

5. NEW BUSINESS REQUEST ITEMS FROM THE FEBRUARY 11, 2016 AND MARCH 10, 2016 MEETINGS:

5.1 Bob Nicoloff and Jim Slakey reported on current activities related to the Commission pilot project including:

- Development and improvement of performance measures related to Commission services and objectives
- Research comparing the composition and operations of other chiropractic boards with the Commission
- Compliance audit standards and procedures

5.2 Bob Nicoloff summarized the current interpretative statement regarding chiropractors performing adjustments on animals. Mr. Nicoloff will review the document with the staff of the Veterinary Board to determine if the interpretative statement should be updated.

6. DEPARTMENT OF HEALTH LEGISLATIVE MEET-ME CALLS – Dr. Folweiler

6.1 Dr. Folweiler informed the Commission that the department's weekly legislative meet-me calls ended and there was nothing new to report.

7. UPDATES FROM LILIA LOPEZ, AAG 10:30 a.m.

7.1 Lilia Lopez, AAG provided the following updates:

- North Carolina Dental Board versus the Federal Trade Commission
 - Ms. Lopez provided a summary of the United States Supreme Court case.
- Hearing process summary
 - Ms. Lopez discussed the processes and procedures that apply when Commission members serve as panel members in the disciplinary proceedings.
- Role of the AAG advisor
 - Ms. Lopez presented a power point discussing the Office of the Attorney General’s Constitutional and statutory authority for representing all state agencies, the AAG advisor’s role in advising the Commission, the prosecuting AAGs role in prosecuting cases in front of the Commission, and comparing the role of the staff attorneys in disciplinary cases.

8. EXPERT WITNESS PROJECT – Bob Nicoloff 11:15 a.m.

8.1 Mr. Nicoloff presented suggestions for the expert witness project to include a handout with recommendations on what is needed. It also had suggestions for a new recruitment process to build the pool of expert witnesses. This was assigned to Committee 1.

Committee 2 was given the assignment to research and recommend criteria for mentors and supervisors in disciplinary cases.

9. MOCK DISCIPLINARY/AUDIT CASE REVIEW – Dr. Corbin Waters 11:30 a.m.

9.1 Dr. Corbin Waters presented a mock case for training purposes. The case subject matter related to when patients are under the influence of drugs and/or alcohol.

10. PUBLIC COMMENT 11:55 a.m.

10.1 No Members from the public provided any comments for the Commission to address.

LUNCH - Commission members took a break for lunch. 12:00 p.m.

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

Committee 1

Dr. Chan, Chair (absent)
Dr. Langel
Dr. Folweiler
Dr. Long
Dr. Corbin-Waters
Mr. Slakey

Committee 2

Dr. Hobbs, Chair
Dr. Smith
Dr. Pratt
Dr. Best
Dr. Schmitt
Ms. Stephens

Committee Floating Members

Dr. Waldron - Acting Committee 1 Chair for Dr. Chan
Ms. Colenso

11.1 Committee 1 Items:

- List and Labels Requests:
Committee 1 members did not have any requests for licensee lists and/or labels to review.
- Case status report review update:
The Committee suggested that if possible the report include: how many new cases have been opened, how many new cases were not authorized for investigation, cases authorized for investigation, and cases closed after investigation.
- Reviewed and provided edits to the following future newsletter article. The article will be reviewed again during the June 9, 2016 meeting:
 - Pilot Project Update – Dr. Waldron and Mr. Nicoloff
- Continued to review and revise the Frequently Asked Questions (FAQ) document with the top 20 most commonly asked questions. The revised FAQ will be reviewed at the June 9, 2016 meeting.
- Committee members reviewed and provided edits to the draft January – April 2016 chiropractic newsletter. It will be reviewed again during the June 9, 2016 meeting.
- Jim Slakey requested that the department provide cost projections for another license renewal fee decrease in the amounts of \$25, \$50, \$75, and \$100. Mr. Nicoloff will work with the department staff to obtain the projections to be reviewed at a future business meeting.

11.2 Committee 2 Items:

- List and Labels Requests:
Committee 2 members reviewed a request for licensee lists and/or labels and determined the following requester meets the definition of an educational organization as required by law:
 - Crisis Clinic – Hannah Stewart
- Reviewed the Commission Budget Summary and Report. There are no concerns with the budget.
- Reviewed and provided edits to the following future newsletter article. The article will be reviewed again during the June 9, 2016 meeting:
 - Pilot Project Update – Dr. Waldron and Mr. Nicoloff
- Continued working on the Commission’s educational presentation, with Dr. Smith leading the development of the presentation.
- Committee members reviewed and provided edits to the draft January – April 2016 chiropractic newsletter. It will be reviewed again during the June 9, 2016 meeting.

12. COMMITTEE REPORTS

2:00 p.m.

- ### **12.1** Committees reported to the Commission about their committee work.

13. MANAGEMENT REPORT – Commission Staff

2:15 p.m.

- 13.1 Mr. Nicoloff provided an update and an overview of the recommendations of the prior workgroups.
- 13.2 Mr. Nicoloff provided an update about the chiropractic license renewal questions. The Commission agreed to the core questions and have no further additions.
- 13.3 Mr. Nicoloff presented the signature delegation form and the necessary updates to it since the licensing and compliance functions are being shifted from the department staff to the Commission staff. The Commission voted all in favor to update the form as presented.
- 13.4 Mr. Nicoloff provided an update about the 2016 Supplemental Operating Budget that was approved by the Legislature. The final budget did not sweep any funds from the health professions account.
- 13.5 No other items were presented.

14. NEW BUSINESS AND REQUESTS FOR JUNE 9, 2016

2:30 p.m.

- 14.1 Commission members requested the following items for the June 12, 2016 meeting agenda.
 - The Executive Director annual performance evaluation process and considering additional approaches to the process, to include input from the Commission and staff.
 - Dr. Folweiler and Mr. Nicoloff will ask Lori Grassi from the WSCA about the letter they provided to the Board of Physical Therapy about their spinal endorsement form.

15. RULEMAKING WORKSHOP

- 15.1 Commission members did not have sufficient time to work on drafting the following rules:

246-808-605	Honoring of publicity and advertisements.
246-808-610	Prohibited transactions.
246-808-615	Professional notices, letterheads, cards, and mailings.
246-808-620	Suggestion of need of chiropractic services.
246-808-625	Public testimonial advertising.
246-808-630	Full disclosure of cost of services.
246-808-650	Records/X rays/withdrawal from practice Maintenance/ retention of records.
246-808-655	Duties of a chiropractor who retires or withdraws from practice.

16. PUBLIC COMMENT

3:55 p.m.

- 16.1 Members from the public will have the opportunity to address the commission. NONE

17. 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.

17.1 April 2016 issue of “The Sentinel News for Department Employees.”

17.2 Chiropractic and chiropractic x-ray technicians licensing statistics as of April 1, 2016.

Prepared By: Leann Yount, Program Manager

Date

Approved By: Matthew Waldron, DC, Chair

Date

Licensing Statistics as of April 1, 2016

Chiropractic X-ray Technicians

	February 4, 2016	April 1, 2016
Total Active Licenses	215	218
Total Pending Licenses	10	17
Expired in Renewal (expired within one year since last renewed)	55	56
Expired Licenses (expired more than one year since last renewed)	980	993
Total Revoked	1	1
Total Suspended	3	3
Active on Probation	0	0
Active with Restrictions or Conditions	0	0

Chiropractors

	February 4, 2016	April 1, 2016
Total Active Licenses	2477	2492
Total Pending Licenses	46	44
Total Inactive Licenses	154	153
Expired in Renewal (expired within 1 year since last renewed)	100	97
Expired Licenses (expired more than 1 year since last renewed)	2661	2669
Total Revoked	36	36
Total Suspended	44	44
Active on Probation	6	7
Active with Restrictions	1	1
Active with Conditions	15	12