



WASHINGTON STATE  
CHIROPRACTIC QUALITY ASSURANCE COMMISSION  
MEETING MINUTES

October 16, 2014 – 9:00 a.m. to 3:15 p.m.

Comfort Inn Conference Center  
1600 – 74<sup>th</sup> Avenue Southwest  
Tumwater, WA 98501

**Commission Members:**

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

Michael Breneman, DC  
Suzanne Becker, Assistant Attorney General  
Danielle Welliever, DOH Policy Analyst  
Don Painter, Chief Investigator  
Diane Young, Credentialing Manager  
Ericka Brown, Credentialing Supervisor

On October 16, 2014 the Chiropractic Quality Assurance Commission (commission) met in Tumwater, Washington at 1600 – 74<sup>th</sup> Avenue Southwest, 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 – October 16, 2014** **9:05 a.m.**

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

- 1.1 The October 16, 2014 meeting agenda was approved with the addition of a discussion about of drafting a new policy after Item 3.1.
- 1.2 The August 14, 2014 meeting minutes were approved as written.
- 1.3 Message from the Chair and/or Vice-Chair to include but not limited to:
  - Dr. Smith introduced our new commission member Kimberly Corbin Waters, DC. Dr. Waters has been in practice for 16 years.
    - Dr. Waters mentor will be Dr. Chan.

- 2015 mock case/audit assignments:
  - February 2015 – Mike Ellsworth, Supervising Staff Attorney
  - April 2015 – Bryson Langel, DC
  - June 2015 – Ronwynn Pratt, DC
  - August 2015 – Matthew Waldron, DC
  - October 2015 – Aaron Chan, DC
  - December 2015 – Gabe Smith, DC
- 2015 workshop -
  - We have not been able to find a date for the spring workshop that works with everyone’s schedule. The workshop will be moved to October 2015 so that everyone will be able to attend. The February 12, 2015 meeting will be an extended meeting and will include a presentation on diagnostic ultrasound, if the presenters are available.
- Washington State Chiropractic Association (WSCA) Board Meeting Update -
  - Dr. Rasmussen attended the September 4, 2014 WSCA meeting. They hired a new employee Tiffine Koch. They have recently toured Palmer West, Life West, and University of Western States chiropractic colleges. The next association conference is October 17-19, 2014.
- Dr. Smith read Part VIII of the commission’s bylaws regarding attendance. Dr. Smith reminded everyone that they were hired by the Governor to do an important job. He suggested, if other things are getting in the way of performing commission member duties, he asked that commission members talk with leadership, and/or staff, to work together to find a solution.

**2. CASE PRESENTATION**

**9:15 a.m.**

- 2.1** Stipulated Findings of Fact, Conclusions of Law and Agreed Order on Reinstatement –Panel B  
 Respondent: Michael Breneman, DC  
 Master Case No: M2008-118770  
 Staff Attorney: Patrick Hanley

Dr. Breneman appeared before the commission and requested reinstatement of his license. Panel B of the commission went into closed session to deliberate. Dr. Breneman will be notified of the panel’s decision.

**3. DISCUSSION OF NEW POLICY – Dr. Smith, Chair**

- 3.1** The commission discussed creating a new policy to establish a timeframe for when agenda items can be submitted for commission meetings. Receiving items too close to a scheduled commission meeting does not allow staff enough time to prepare materials for the meeting.

A motion was made to create a policy regarding submission of information for meetings. Information must be submitted 30 days in advance of the scheduled meeting. However, the policy will also allow for leadership/staff discretion to accept agenda items outside of the policy’s timeframe. The motion was approved all in favor.

Mr. Nicoloff will prepare a draft policy. The commission requested that the policy include the statement regarding flexibility and that copies must be provided by the requestor if the information is more than three or four pages in length.

**4. PILOT PROJECT PLANNING UPDATE – Bob Nicoloff, Executive Director 9:45 a.m.**

- 4.1** Bob Nicoloff provided the following Pilot Project Activities and Workgroups update  
The commission is in the second year of the pilot, which began July 1, 2013. There is progress being made in the workgroups and we expect to have recommendations from the workgroups early next year. Recommendations will be important in preparing for discussions with the Department of Health regarding the new Department-CQAC operating agreement. Mr. Nicoloff provided the following workgroup updates:

**Administrative Workgroup:**

A demonstration of the online jurisprudence exam will be given to the committee today. The exam is close to going live.

**Investigation Workgroup:**

The workgroup continues to look at how we track legal and investigative work and looking at tools we can use to monitor cases.

**Budget Workgroup:**

The workgroup has made progress and created a budget summary and are looking at creating a tool to identify trends. The workgroup will also be looking at the trends to see if a fee reduction is possible, as the commission currently has a significant reserve, however there are a lot of factors that must be considered. The timeframe from start to finish for rulemaking is generally a year.

Mr. Nicoloff also reported that there are 5 commission members that are either terming off next year or eligible for re-appointment. We will need to start the recruitment process very soon.

Commission member articles were published in the recent issue of the Plexus which was nice to see.

The department is looking at giving citrix access to board and commission members. However, before moving forward, we are assessing the pros and cons of adding this service.

**5. LEGISLATION IMPLEMENTATION HB 2315 – Lilia Lopez, AAG 10:00 a.m.**

- 5.1** Ms. Lopez re-presented [HB 2315](#) – Concerning suicide prevention training to the commission. The commission discussed options within the bill to include identifying what is qualified training, exempting chiropractors from the one-time continuing education (CE) requirement, and selecting three or six CE hours. Because the scope of practice doesn't include treating suicidal ideation, it was decided all Washington State licensed chiropractors must take a three hour CE course, one-time, in suicide assessment and referral. The commission voted all in favor. The commission is not required to, and does not, pre-approve CE courses as is established in [WAC 246-808-155](#). However, the commission does include a list of pre-approved CE categories under [WAC 246-808-150](#). If a chiropractor is interested in taking a CE course, it is up to him or her to determine if a course they want to take falls

within an approved CE category. If the chiropractor cannot determine if a course falls within a commission approved CE category, then he or she will need to seek their own legal counsel for assistance.

Commission members also discussed the need to file an Interpretive Statement with the Code Reviser's Office to clarify when the CE is due and what is considered qualified training under the legislation.

Ms. Lopez will develop an interpretive statement for the commission's review.

**6. REVIEW RULES PRIORITY LIST – Dr. Smith, Chair 10:15 a.m.**

- 6.1** The commission reviewed the rules priority list. Currently the continuing education rule, [WAC 246-808-150](#), is set for a rules hearing on December 11, 2014. The CR 101 for the improper billing practices rule, [WAC 246-808-545](#), will be filed on November 5, 2014. The Early Remediation rules are on hold while we monitor the progress of the alternatives to discipline agency request legislation that will be introduced during the 2015 session.

The commission discussed [WAC 246-808-700](#) Cooperation with Investigation. The rule conflicts with the requirements in [RCW 18.130.230](#). A few other licensing boards had a similar conflict in their rule and repealed their rule in order to be in compliance with the statute. A motion was approved all in favor to repeal WAC 246-808-700.

Since there are many rules under Chapter 246-808 WAC that need to be opened for possible revisions, the commission discussed opening the entire chapter. A motion was made to open the whole chapter, except those already in process which will continue moving forward under separate rule packages. The motion was approved all in favor.

**7. NEW BUSINESS REQUESTED FROM AUGUST 14, 2014 MEETING 10:30 a.m.**

- 7.1** The commission reviewed the Department of Health's (department) proposed sexual misconduct language. The proposal revises the sexual misconduct rules under [Chapter 246-16 WAC](#).

The department's proposed draft language adds to the definition of sexual misconduct to include sexual contact with any person involving force, intimidation, or lack of consent, or a conviction of a sex offense listed in [RCW 9.94A.030](#).

The commission's sexual misconduct rule, [WAC 246-808-590](#), will be reviewed when the entire chapter is opened. Ms. Yount will let the department know that this rule will be reviewed after the chapter is opened.

**8. FUTURE CHIROPRACTIC NEWSLETTER ARTICLE IDEAS – Dr. Smith 10:45 a.m.**

- 8.1** Commission members provided ideas for future articles. Some articles were assigned to commission members.

Commission members need to work on their articles and submit them to Ms. Yount so the Communications Committee can review and edit them for future newsletters..

Ms. Yount will send the list of articles and assignments to the commission members.

## 9. CONFERENCE ATTENDANCE

11:00 am.

- 9.1 Dr. Folweiler provided an update about the 2014 Federation of Chiropractic Licensing Boards (FCLB) District I and IV conference that he and Drs. Waldron and Chan attended in New Mexico on October 10-11, 2014.

Some of the areas covered at the meeting were:

- Introduction of the new FCLB Executive Director John Schwartzbauer, DC:
  - Dr. Schwartzbauer was the past president of Sherman College of Chiropractic
- Scholarship available for staff to attend the meeting:
  - The scholarship can assist other states that do not have the funding to send a representative from their state.
- Financial report – 2014 revenue is \$761,000:
  - There is about \$500,000 in reserves.
- Mobility – Temporary license for sporting events, crisis care, and teaching CE seminars:
  - Working on a central database of information with the goal of assisting states with faster processing for temporary licenses.
  - Twenty-four states offer temporary licenses.
    - Washington offers a temporary license under [WAC 246-808-140](#).
- National Board of Chiropractic Examiners (NBCE) Examinations:
  - NBCE Parts I, II, III, and IV
  - Special Purposes Examination for Chiropractic (SPEC)
  - Chiropractic College Aptitude Test (CCAT)
  - Acupuncture
  - Ethics and Boundaries Assessment Services (EBAS)
  - Certified Clinical Chiropractic Assistants (CCCA)
- Next FCLB annual meeting:
  - May 6-10, 2015 in New Orleans, Louisiana

- 9.2 Ms. Yount attended the Board and Commission Director/Administrator Training presented by the Office of Governor on September 22, 2014.

Some of the areas covered include:

- Overview of board/commission member expectations:
  - Qualifications that fall in line with the Governor's vision, which include:
    - Meeting statutory requirements,
    - Youth,
    - Represent diversity,
    - Active and engaged members,
    - Professional, and
    - Ethical and transparent

[RCW 18.25.0165](#) requires chiropractors to be licensed for at least five years prior to appointment.

The training also covered the recruitment and appointment process. The Governor's Office is interested in learning how well commissioner members are performing their duties and responsibilities. They wish to be kept informed regarding both commission member accomplishments as well as area of needed improvement.

The governor's office does an internal review of the applications, completes background and reference checks, assesses the candidates' views to be sure they are in line with the Governor's views, considers demographics, race, sex, and they may also interview candidates. The top candidates are given to the Governor for review, consideration, and appointment. Once the appointment has taken place, the new appointees must take the mandatory online appointment training.

The Governor's Office website offers many resources at [www.governor.wa.gov/boards](http://www.governor.wa.gov/boards).

- 9.3** Ms. Yount attended the department's Annual Associations Meeting on September 26, 2014. About 15 associations were represented. None of the associations provided an update regarding the activities of their association.

The department gave a legislative update noting that 140 bills were reviewed last session and some of those bills will be reintroduced next session.

- 9.4** The Washington State Chiropractic Association (WSCA) conference will be held on October 18-19, 2014. The commission will have a table in the exhibit room at the conference. Ms. Yount will cover the table on Saturday only. She will have assistance from the commission members attending the conference during their breaks. Commission members attending the conference on Sunday will cover the table.

**10. PETITION FOR RULEMAKING REQUEST – Dr. Smith 11:15 a.m.**

- 10.1** Commission members reviewed a Petition for Rulemaking request regarding [WAC 246-808-150](#) – Continuing Education. The commission reviewed the response to the request. The response informed the petitioner that the continuing education rule is currently being amended and the petition will be considered as comment for the rulemaking. The rules hearing for WAC 246-808-150 will take place on December 11, 2014.

**11. MOCK DISCIPLINARY AUDIT CASE REVIEW – Dr. Long 11:30 a.m.**

- 11.1** Dr. Long presented a mock disciplinary case for training purposes.

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

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

**12.1 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 postponed planning the next workshop. Committee members recommended to the commission moving the spring workshop to the fall of 2015 to allow plenty of advance notice for all commission members to attend. Commission members thought this was a good idea due to all the scheduling conflicts in the spring.

### 12.2 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 the current budget report and the new report format. The budget looks good. There are no concerns at this time. Mr. Nicoloff will continue to fine tune the new budget report format.

### 12.3 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 reviewed the additional Diagnostic Ultrasound and Pulse Electro-Magnetic Field documentation that was submitted by one of the requesters. Because the documentation is so voluminous, and it was submitted the day prior to the commission meeting, this item was tabled until the December 11, 2014 meeting to allow all the commission members time to review the material that was submitted.

### 12.4 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 temporary practice rules under [WAC 246-808-130](#), [WAC 246-808-133](#), and [WAC 246-808-140](#), and which applies when. The committee discussed the temporary practice rules and proposed rulemaking for clarity.
  - WAC 246-808-130:
    - Has a [fee](#) associated with it, in addition to the regular application/exam fee for full licensure.
    - Is only good until the applicant has passed the jurisprudence exam or fails the exam.
    - Can only be issued one-time and is good for up to six months.
    - Must have a commission approved supervisor.
  - WAC 246-808-133:
    - Has a fee associated with it, in addition to the regular application/exam fee for a full license

- Can only be issued to applicants that have met all other requirements for a Washington State chiropractic license and are waiting on the fingerprint background check.
    - Doesn't require a supervisor
    - Good for up to six months.
  - WAC 246-808-140:
    - Has no associated fee
    - No limit on how many times it can be issued
    - Is only good for vacation relief or traveling with a sports team.
    - Must not have had disciplinary action within the last five years.
    - Cannot establish a practice under this temporary license as per [RCW 18.25.190](#).
- The temporary practice rules will be reviewed again and amended when the entire rule chapter is opened.

## Priority #2

- Committee members reviewed the draft rule language to establish requirements for the physical therapist spinal manipulation endorsement. It appears that the draft rule language is similar to [ESHB 2160](#).

There was a section added to the draft rule language regarding clinical supervisor requirements. Dr. Chan spoke with the Washington State Chiropractic Association regarding the draft proposed rule language and they did not have any concerns at this time.

## Ongoing

- Committee members reviewed the following list/label request to determine if they meet the definition of a professional association or educational organization as required by law:
  - Seattle Manual Therapy – requested list/labels to be used to inform licensed health care practitioners of continuing education classes.

The commission voted all in favor to approve the request.

## 12.5 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

- The committee members reviewed the online jurisprudence exam. The exam is a work in progress and it's almost ready to be offered to applicants online. There are a few issues that need to be fixed before it is ready. Program staff are working with the department to fix the issues so it can be represented to the committee at the December 11, 2014 meeting.

**Ongoing:**

- Committee members reviewed the jurisprudence exam comments. They made a few clarifying changes to the exam questions based on the comments received.

**12.6 Communications Committee:**

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

**Priority #1**

- The committee deferred reviewing a records retention article drafted by Dr. Long to the December 11, 2014 meeting.
- The committee suggested doing commission member spotlight articles for the newsletter and would like to start with Dr. Rasmussen. Dr. Rasmussen will submit the bio to Ms. Yount for the January 2015 newsletter.
- 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
  - Audits
  - Pilot Project Update – Dr. Waldron and Mr. Nicoloff
  - Suicide assessment, screening, and referral
  - Disciplinary Jurisprudence Exam Fee
  - Cloud based records – Dr. Long

Committee members also set the newsletter review/publish deadline, as follows:

- December draft newsletter review for a January publishing,
- April draft newsletter review for a May publishing, and,
- August draft newsletter review for a September publishing.

The commission voted all in favor to adopt the newsletter deadline.

**Articles Under Review:**

- None

**Ongoing:**

- Summary of disciplinary cases – Leann Yount

**Priority #2**

- Chiropractic Quality Assurance Commission Overview PowerPoint Presentation:
  - Committee members reviewed and worked on the presentation. A few changes were made to the presentation. It was identified that some of the slides need to be continuously updated so they are specific to the year that is being look at.

**12.7 Pilot Committee:**

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

**Priority #1**

- The committee did not meet.

**12.8 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**

- The committee did not need to meet at this time since the commission approved opening the entire rule chapter.

**12.9 Rules Committees Panel B:**

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

**Priority #1**

- The committee did not need to meet at this time since the commission approved opening the entire rule chapter.

**13. COMMITTEE REPORTS 2:30 p.m.**

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

**14. ONLINE JURISPRUDENCE EXAM DEMONSTRATION – 9:30 a.m.  
Bob Nicoloff, Executive Director**

**14.1** Since there were a few issues with the exam a demonstration was not provided to the entire commission. The exam should be ready for a demonstration at the December 11, 2014 meeting.

**15. MANAGEMENT REPORT – Bob Nicoloff and Leann Yount 3:00 p.m.**

**15.1** The commission approved the following 2015 business meeting dates:  
February 12, 2015 – Olympia  
April 9, 2015 – Tumwater  
June 11, 2015 – Kent  
August 13, 2015 – Tumwater  
October 8, 2015 – Tumwater  
December 10, 2015 - Kent

**15.2** An informational email from Joby Winans, Director of Communications regarding Ebola information was provided to the commission.

**16. NEW BUSINESS**

**3:00 a.m.**

**16.1 The following new business items were requested to be placed on the December 11, 2014 meeting agenda:**

- Citrix access for commission members, public disclosure requirements, and subject to search personal devices – Lilia Lopez, AAG
- License renewal and continuing education reporting issues when practitioners renew right before their license expires.
  - Not signing CE attestation resulting in a deficiency letter and the license expires but the practitioner may not know their license expired until they receive the deficiency letter in the mail..
  - Revenue is processed in one building and paperwork gets sent to another building
- Expanded budget presentation to include the actual cost and recommendations– Jim Slakey. The budget presentation will be presented at the February 12, 2015 commission meeting.
- Jurisprudence exam and CE credit – Dr. Langel

**17. PUBLIC COMMENT**

**3:10 p.m.**

**17.1** There were no public comments.

**18. 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.

**18.1** “September 2014 issue of “The Sentinel News for Department Employees.”

**18.2** Chiropractic and chiropractic x-ray licensing statistics as October of 2014.

**18.3** Wall Street Journal Article “State Licensing Boards Under Fire From Within”.

**19. COMMISSION ADJOURNMENT**

**3:15 p.m.**

**Next Business Meeting:**

December 11, 2014  
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: Gary "Gabe" Smith, DC, Chair

\_\_\_\_\_  
Date

*Licensing Statistics as of October 6, 2014*

**Chiropractic X-ray Technicians**

	<b>July 29, 2014</b>	<b>October 6, 2014</b>
Total Active Licenses	205	204
Total Pending Licenses	16	14
Expired in Renewal (expired more than 1 year since last renewed)	65	69
Expired Licenses (expired within 1 year since last renewed)	904	908
Total Revoked	1	1
Total Suspended	3	3
Active on Probation	0	0
Active with Restrictions or Conditions	0	0

**Chiropractors**

	<b>July 29, 2014</b>	<b>October 6, 2014</b>
Total Active Licenses	2363	2368
Total Pending Licenses	41	59
Total Inactive Licenses	159	159
Expired in Renewal (expired within 1 year since last renewed)	85	92
Expired Licenses (expired more than 1 year since last renewed)	2539	2547
Total Revoked	35	35
Total Suspended	42	44
Active on Probation	7	6
Active with Restrictions	1	1
Active with Conditions	13	13