



**WASHINGTON STATE**  
**CHIROPRACTIC QUALITY ASSURANCE COMMISSION**  
**BUSINESS MEETING MINUTES**  
**March 9, 2023 – 9:00 a.m.**

**This was a public meeting held in person and online.**

**Commission Members:**

Dana Clum, DC, Chair, Jas Walia, DC, Vice-Chair, Vanessa Wise, DC, Vice-Chair, Susan Bogni, MPA, Executive Committee Public Member, David Folweiler, DC, Immediate Past Chair, Brian Chan, DC, William Davis, DC, Michael Long, DC, Susan Jensen, JD, Public Member, Judge Julie Spector (ret.), Public Member, and Benjamin Zepeda, DC. Commission Members Absent: Stephen Chan, DC

**Staff Present:**

Bob Nicoloff, Commission Executive Director  
Tammy Kelley, Commission Deputy Executive Director  
Jenny Yeam, Commission Licensing and Compliance Manager  
Betty J. Moe, Commission Regulatory Analyst  
Lilia Lopez, Assistant Attorney General  
Lydia Koroma, Supervising Staff Attorney

**OPEN SESSION – Thursday, March 9, 2023**

**9:09 a.m.**

**1. CALL TO ORDER – Dr. Clum, Chair**

- 1.1 The agenda was amended to include item 13.2 – Notification to licensees about the Secretary of Health’s mask mandate change. For consistency, the agenda was amended to include member degrees with their names. The Commission approved the agenda as amended.

**2. MESSAGES FROM COMMISSION LEADERSHIP - Dr. Clum, Chair; Dr. Walia, Vice-Chair; Dr. Wise, Vice-Chair; Susan Bogni, MPA, Executive Committee Public Member; Dr. Folweiler, Immediate Past Chair**

- 2.1 Commission leadership had the opportunity to provide comments.

Dr. Clum shared that the hybrid meeting format is a major adjustment. We are navigating the screen, our computers, paper, and managing the microphone. She thanked all participants for their patience. She is happy to see people in person. She thanked the Commission staff for all their hard work and dedication.

Susan Bogni, MPA, is enthusiastic about the upcoming work to update the strategic plan and wishes she were here in person.

Dr. Wise said that it’s going to be a fun meeting, and that it is always a new experience when we do things differently. She is excited to move forward and see everyone in person. She expressed gratitude for the amazing staff.

Dr. Walia is pleased to see everyone who attended in person and he looks forward to meeting the other members. Dr. Walia told Dr. Clum she was doing a great job as chair and expressed gratitude towards the staff for making all of this happen.

Dr. Folweiler thanked the staff for all the work they put into making this meeting happen in person.

### **3. APPROVAL OF MEETING MINUTES – Dr. Clum**

- 3.1** The January 12, 2023 minutes were approved with the addition of including all member degrees with their names.

### **4. 2023 NATIONAL AND STATE ACTIVITIES AND MEETINGS – Dr. Clum**

- 4.1** The Commission discussed the following activities and meetings:

- Trauma Informed Sexual Assault Investigations Training, February 17<sup>th</sup>, SeaTac.
  - Members Participating: Susan Bogni, MPA, Dr. Clum, and Dr. Wise

Dr. Clum shared it was interesting to see how the Washington Medical Commission manages their sexual assault complaints. It gave us a lot of great ideas of ways to review these types of cases and support the complainants. We have this listed as a training item later on the agenda.

Dr. Wise stated that it was a wonderful learning opportunity.

- National Board of Chiropractic Examiners (NBCE) Part IV Test Committee, February 23<sup>rd</sup> – 26<sup>th</sup>, Greeley, Colorado
  - Member Participating: Dr. Clum

Dr. Clum noted that Part IV of the NBCE is a practical examination for chiropractors. The examination process, structure, and how it is graded is being revamped. There was a lot of discussion about what the new exam questions should look like, and some new questions were created.

- National Board of Chiropractic Examiners (NBCE) Part III Test Committee, March 2<sup>nd</sup> – 6<sup>th</sup>, Greeley, Colorado
  - Member Participating: Dr. Wise

Dr. Wise shared that the test committee worked through different questions, helping rewrite questions to make them more succinct. They were also able to go through several books and write questions they thought would help students have a better understanding of things that we see in practice. Almost every chiropractic college participated.

- Federation of Chiropractic Licensing Boards (FCLB) annual conference and the NBCE delegate meeting, April 26<sup>th</sup> – 30<sup>th</sup>, West Palm Beach, Florida
  - Members Participating: Susan Bogni, MPA, Dr. Wise, Dr. Folweiler, Dr. Davis, Dr. Walia, Dr. Clum, Dr. S. Chan, Dr. Zepeda, and Dr. B. Chan
- Trauma Informed Sexual Assault Investigations Training, May 11<sup>th</sup>, Olympia
  - Members Participating: See agenda item 13 for the discussion.

- NBCE Spring Part IV Examinations, May 20<sup>th</sup> – 21<sup>st</sup>, various locations including Portland, Oregon
  - Members Participating: Dr. B. Chan and Dr. Davis
- National Board of Chiropractic Examiners (NBCE) Part IV Test Committee, June 23-24, Greeley, Colorado
  - Member Participating: Dr. Clum indicated she was interested in attending.
- Council on Licensure Enforcement and Regulation (CLEAR) annual conference, September 27<sup>th</sup> – 30<sup>th</sup>, Salt Lake City, Utah
  - Members and Staff Participating: Dr. Zepeda, Dr. S. Chan, Dr. Walia, Susan Bogni, MPA, Susan Jensen, JD, and Tammy Kelley
- FCLB District I & IV meeting, October 5<sup>th</sup> – 8<sup>th</sup>, Keystone, South Dakota
  - Members and Staff Participating: Dr. Davis, Dr. Wise, Susan Bogni, MPA, Dr. Zepeda, Dr. Long, Dr. S. Chan, Dr. Folweiler, Dr. B. Chan, and Tammy Kelley
- NBCE Fall Part IV Examinations, November 11<sup>th</sup> -12<sup>th</sup>, various locations including Portland, Oregon
  - Members Participating: Dr. Wise and Dr. S. Chan

## **5. FCLB REQUESTS FOR COMMISSION FEEDBACK – Dr. Clum**

- 5.1** The Federation of Chiropractic Licensing Boards has asked the Commission for any ideas, questions, comments, concerns, or feedback it would like to provide regarding the upcoming FCLB annual meeting. The Commission did not have any feedback at this time.
- 5.2** The Commission reviewed proposed changes to the Federation of Chiropractic Licensing Boards bylaws. The Commission did not have any feedback at this time.

## **6. LEGISLATIVE UPDATE – Betty Moe, Regulatory Analyst, Susan Bogni, MPA, and Dr. Wise**

- 6.1** Betty Moe thanked Susan Bogni, MPA and Dr. Wise for their support throughout the 2023 legislative session. Commission members and staff reviewed sixteen bills this session, not including substitute or companion versions. Betty Moe provided an overview of the following bills that were still active:
- 2SHB 1009 - Military spouse employment
  - SHB 1547 – Out of state providers to practice immediately
  - SSB 5418 - Uniform telehealth act
  - SHB 1503 – Collecting health care professionals’ information at the time of license application and renewal

## **7. BUDGET REPORT - Betty Moe, Regulatory Analyst, and Budget Committee Members**

- 7.1** Betty Moe reviewed the components and status of the Commission’s budget and finances.

## **8. HEALTH EQUITY CONTINUING EDUCATION AND CONTINUING EDUCATION RULES WORKSHOP – Betty Moe, Regulatory Analyst**

### **8.1 Chiropractor Health Equity Continuing Education Rules**

The Commission filed a form CR-101 on November 1, 2022, under WSR 22-22-088 for [WAC 246-808-150](#) and other relevant continuing education (CE) rule sections. The Commission reviewed the minimum standards established in the health equity continuing education model rules, [WAC 246-12-800](#) through [246-12-830](#), to comply with [RCW 43.70.613](#).

As part of this workshop, the Commission evaluated the number of continuing education hours a chiropractor can complete using distance learning and multimedia chiropractic education programs.

A motion was made and seconded that the Commission adopt the model rules as listed in WAC 246-12-800 through WAC 246-12-830 because it believes that the two hours of CE every four years suggested in the model rules is sufficient. The Commission also believes these hours should be included in the total hours currently required. The motion carried.

A motion was made and seconded that the Commission not change the number of hours of CE a chiropractor can complete using online resources. The motion carried.

Betty Moe shared that she would be working to draft rule language for Commission approval during the next Commission meeting.

### **8.2 Chiropractic X-ray Technician Health Equity Continuing Education Rules**

The Commission discussed whether to consider adopting health equity continuing education rules for Chiropractic X-ray Technicians.

Lilia Lopez, AAG, stated the goal for the day is to discuss the underlying legal authorities and where the Department of Health (department) perceives risk associated with them. She explained the Commission has the authority for Chiropractic X-ray Technicians specifically under RCW 18.25.180(2). There are also rules in the chapter that regulate X-ray Technicians, including requiring a few hours of continuing competency. This kind of regulatory framework that is in place has gone through the notice and comments for rule making already. There are other programs within the Department where registrations do not include as many substantive requirements.

RCW 43.70.613(1), states that by January 1, 2023, “the rulemaking authority for each health profession licensed under Title 18 RCW subject to continuing education requirements must adopt rules requiring a licensee to complete health equity continuing education training at least once every four years.”

The Commission has historically asserted, and continues to assert through its current rulemaking project, that it has authority to establish continuing education requirements for chiropractic X-ray technicians.

Commission members also reviewed a letter from Dr. John Miller, DC, DACBR, related to the health equity CE requirements. Dr. Miller shared that he does not believe it is necessary to include the mandatory two hour training every 4 years. Dr. Miller shared he could make additions to his current training program.

The Commission decided to move forward with rule making for Chiropractic X-ray Technicians.

## 9. COMMISSION COMMITTEE REPORTS

### 9.1 Training/Mentoring Committee - Meeting held on February 21<sup>st</sup>.

- Members participating: Susan Bogni, MPA, Susan Jensen, JD, Dr. Wise, Dr. Clum, Dr. Folweiler

Dr. Clum noted that the initial meeting was spent reviewing the current Commission member onboarding process and materials. The materials were reviewed and suggestions for improvement were discussed. Jenny Yeam digitized the manual used by members. Both Dr. Clum and Tammy Kelley thanked Jenny Yeam for her work on the manual.

Tammy Kelley shared that a lot of great work has been put into the creation of the board member manual. The committee plans to make updates to include:

- Notice of Corrections (NOC)
- Early Remediation Plans (ERP)
- Rules Process
- Compliance
- Technology to include meeting platforms and box.com.

The Committee also discussed how mentoring could be more beneficial, as well as reading material that may be beneficial for members.

### 9.2 Animal Manipulation Committee - Meeting held on February 22<sup>nd</sup>.

- Members participating: Dr. Folweiler, Susan Jensen, JD, Dr. Wise, Dr. Waldron (Protem Member)

Dr. Waldon reported that the Veterinary Board of Governors (VGOB) determined during their September 13, 2022, board meeting that they would open a CR-101 regarding animal manipulation.

The Commission will need to identify possible next steps, including:

- Should the Commission review the chiropractic practice act to ensure it would permit the Commission to move forward with these concepts?
- Should the Commission add FAQ on this topic to its website?
- Beginning discussions with the Washington State Chiropractic Association (WSCA) because they may have some ideas for moving forward.

Dr. Waldron stated that he believes the Commission is making progress on this project, but there is still a long way to go.

Bob Nicoloff shared that the State of Missouri has drafted legislation related to animal manipulation ([HB 88](#)). The legislation in Missouri may be a good model if laws in Washington on animal manipulation are desired.

Chiropractic care of animals is important, and not well regulated in Washington. A motion was made and seconded to reconvene the Animal Manipulation Task Force under the leadership of Dr. Waldron. The motion carried.

**9.3** Rules Committee – Next meeting to be held on March 23<sup>rd</sup>.

- Members participating: Dr. Folweiler, Susan Jensen, JD, Dr. Wise, Dr. Clum, Ms. Colenso (Protem Member)

Betty Moe shared the top priorities for this year are to complete the CE rules related to Health Equity and the rules package on Chiropractic X-ray Technicians to the CR-102 stage by late fall and have them in place by January 1, 2024.

The secondary focus will be on working the credentialing rules package through the process.

**9.4** Examination Committee - Next meeting to be held on April 3<sup>rd</sup>

- Members participating: Dr. B. Chan, Dr. S. Chan, Dr. Davis, Dr. Wise

Bob Nicoloff said that the examination committee will have their first meeting on April 3<sup>rd</sup>. The initial meeting will focus on the history of the jurisprudence (JP) examination. We also have a survey, that some members may recall, where members went through the list of topics and evaluated the importance of each topic. The survey results will be helpful, as they provide an idea of the significant knowledge that should be assessed for licensure.

**9.5** Budget Committee – Next meeting to be held on April 13<sup>th</sup>

- Members participating: Dr. Long, Dr. Davis, Dr. S. Chan, Jim Slakey (Protem Member)

Betty Moe shared the budget committee has met once. During that meeting, the committee did a deep dive into our board report. This report is an overview of the budget. The next meeting is on April 13<sup>th</sup>.

Judge Spector will be joining the committee.

**10. COMMISSION NEWSLETTER AND TRAINING PLANNING**

- **Tammy Kelley, Deputy Executive Director**

**10.1** The Commission reviewed and updated the future newsletter articles list and future training topics list.

**11. STAFF REPORT AND PLANS**

- **Tammy Kelley, Deputy Executive Director, and Bob Nicoloff, Executive Director**

**11.1** Tammy Kelley shared that DOH buildings have re-opened to staff. It is nice to see more people in the office.

There was a lot of work behind the scenes preparing for today's meeting. A huge thank you to Jenny Yeam for making all the arrangements for the meeting.

Jenny has also reserved rooms for future meetings at the State Labor and Industries building in Tumwater.

We have been working hard to complete the archiving of records in the office. During the pandemic, archiving was not completed because our ability to work in the office was very limited.

We have seen many of our Early Remediation Plans (ERPs) moving to the compliance phase, increasing the compliance workload.

There is a lot of work continuing on the project for the new DOH licensing and disciplinary computer system. We are hopeful and believe that it is realistic that the system will be put into place sometime in 2024.

Our staff evaluation process changed when DOH introduced a new approach called Outward Mindset. Bob Nicoloff mentioned that Commission staff haven't had formal evaluations for several years, as the process was being revamped. We will soon be getting all of the evaluations back on track.

- 11.2** Bob Nicoloff shared the goal of reviewing the Commission's strategic plan would be to identify the areas that are still relevant and what needs to be updated. Some of the projects listed were identified as part of the Commission independence pilot project.

Dr. Clum shared that she values everything in the plan but would like to see the Commission do a more comprehensive review at future meetings.

Susan Jensen, JD, thanked Bob Nicoloff for his role in helping the Commission gain their independence. Additional thanks were extended to the WSCA for their support during the process.

## **12. NEW BUSINESS REQUESTS – Commission Members**

- 12.1** Commission members did not identify any new business requests.

## **13. MAY, 2023 COMMISSION MEETING PLANNING – Dr. Clum**

- 13.1** The Commission discussed plans for the May 11<sup>th</sup> Commission meeting, including if the meeting will be held in person, virtually, or both.

In addition to the meeting details Commission members have an opportunity to attend the Trauma Informed Sexual Assault Investigations Training, but the training is the same day as the Commission meeting.

The Commission discussed moving the Commission meeting to allow members to attend the Trauma Informed Sexual Assault Investigations Training.

A motion was made and seconded to move the May 11<sup>th</sup> meeting to a hybrid meeting on May 18<sup>th</sup>. The motion carried.

Dr. Clum recommended that Commission members should make a strong commitment to being at the meetings in person.

13.2 The Commission discussed sending out an update to the GOV Delivery Notification system, letting providers know that the [Secretary of Health Mask Mandate](#), which currently requires universal masking in healthcare, long-term care and, adult correction facilities for people 5 years and older will end at 11:59 pm on April 2. Local tribal governments, facilities, and providers may choose to require masks in these or other settings. The Commission approved sending a notification one week prior to the changes being made with the masking requirements.

#### 14. PUBLIC COMMENT

14.1 Members of the public had an opportunity to address the Commission.

Ms. Grassi, Executive of Legislation and Policy, Washington State Chiropractic Association, provided an overview of the legislative bills being monitored by the association.

#### 15. CORRESPONDENCE AND REPORTS

The following are informational items. The Commission acknowledged receipt of the items by a single motion without discussion.

15.1 Licensee Statistical Report as of March 1, 2023

15.2 Council on Chiropractic Education Accreditation Actions, February 21, 2023

15.3 Council on Chiropractic Education Public Disclosure Notice – Probation, February 21, 2023

15.4 Department of Health Press Release, March 3, 2023 - Masking requirements in healthcare, long-term care, and correctional facilities to end April 3

LUNCH – The Commission took a break for lunch.

#### 16. COMMISSION TRAINING

16.1 Dr. Clum and Dr. Wise provided an overview of the Trauma Informed Sexual Assault Investigations Training.

16.2 Dr. Folweiler provided a review of specialty practice areas in chiropractic.

16.3 Betty Moe provided an in-depth review of the components of the Commission budget.

16.4 Tammy Kelley provided training related to travel regulations and procedures when traveling on behalf of the Commission.

#### 17. ADJOURNMENT

17.1 The meeting adjourned at 2:38 p.m.



Prepared By: Robert Nicoloff, Executive Director

May 18, 2023  
Date



Approved By: Dana Clum, DC. Chair

May 18, 2023  
Date