WASHINGTON STATE
CHIROPRACTIC QUALITY ASSURANCE COMMISSION
RULES WORKSHOP AND BUSINESS
MEETING MINUTES
February 25, 2017 – 9:00 a.m. to 7:30 p.m.
February 26, 2017 – 8:30 a.m. to 3:00 p.m.

Seattle Airport Marriott
3201 S 176th St,
Seattle, WA 98188

Commission Members:
Matthew Waldron, DC, Chair, Aaron Chan, DC, Vice-Chair, 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 (absent), Louise Stephens, Public Member, Judy Colenso, Public Member, and Kimberly Corbin Waters, DC

Commission Staff Present
Bob Nicoloff, Executive Director
Mike Ellsworth, DOH Supervising Staff Attorney
John Macejunas, Assistant Attorney General (AAG)

Others Present
Nancy Elliott, HSQA Policy Office
Ronald Rupke, DOH Chief Investigator
Vanessa Wise, DC
Randy Coleman, DC
John Blye, DC
Jim Myers, DC
Les White, DC
Aaron Jorgensen, DC
Trevor Gilbert, DC
Douglas Peffer, DC
John Greaney, JD
John Miller, DC, DACBR
Mark Farmer, JD

On February 25-26, 2017, the Chiropractic Quality Assurance Commission (Commission) met in Seattle, Washington at the Seattle Airport Marriott, 3201 S. 176th St., Seattle, WA 98188. 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. The agenda item times reflected in the following meeting minutes are approximate.

OPEN SESSION – Saturday, February 25, 2017

9:00 a.m.
1. CALL TO ORDER 9:00 a.m.

1.1 The agenda for Saturday, February 25, 2017 and Sunday, February 26, 2017 was approved. Dr. Waldron announced that there may be a change in the order of the items to facilitate public comment.

1.2 The December 8, 2016 meeting minutes were approved as drafted.

1.3 Dr. Waldron asked that condolences be sent from the Commission to Leann Yount on the passing of her uncle.

1.4 Dr. Waldron reminded Commission members of the 2017 rules workshop dates:
   - May 11, 2017 – Department of Health Tumwater, Point Plaza East
   - July 13, 2017 - Department of Health Tumwater, Town Center 2
   - September 14, 2017 – Location to be determined, and if needed

1.5 Dr. Waldron reviewed the assignments for the upcoming mock case exercises and newsletter articles.

1.6 Dr. Chan presented an update to the Commission about the Department’s weekly legislative meet-me calls. You can view bill activity on the Washington State legislature’s website.

2. EXECUTIVE SESSION (Closed Session) 9:15 a.m.

2.1 Commission members went into closed session. While in closed session, the Commission members and the Executive Director discussed staff performance.

The Executive Session concluded at 9:49 a.m. and the business meeting was reopened to the public.

3. FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB) CONFERENCE, AND NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE) TEST ADMINISTRATION 9:50 a.m.

3.1 The Commission discussed sending representatives to the FCLB conference on May 4-7, 2017 in Orlando, FL. Drs. Hobbs, Pratt, Chan, and Waldron expressed interest in attending.

3.2 Commission members discussed sending representatives to assist with the NBCE test administration and test committee meeting. Commission members interested in participating are:
   - Spring Part IV Exam – May 19-21, 2017 – Drs. Corbin Waters, Langel, and Pratt
   - Part IV Test Committee meeting – June 9-10, 2017 – Drs. Waldron and Best; Dr. Folweiler was not in attendance, but had previously indicated his interest.
   - Fall Part IV exam – November 10-12, 2017 – Drs. Hobbs, Schmitt, and Chan
4. CONTINUING EDUCATION EXTENSION REQUEST AND CONSIDERATION POLICY

4.1 The Commission reviewed the policy and suggested edits. The updated version will be reviewed at the April, 2017 Commission meeting.

5. NEW BUSINESS AND REQUESTS 10:05 a.m.

5.1 Judy Colenso indicated that the Physical Therapy (PT) Board has revised the PT Spinal Manipulation Endorsement form. Review of the revised form will be added to the April, 2017 Commission meeting agenda.

5.2 Bob Nicoloff indicated that staff have received questions from licensees regarding whether attending Commission meetings would qualify for continuing education credit hours. This item will be added to the April, 2017 Commission meeting agenda.

6. CHIROPRACTIC QUALITY ASSURANCE COMMISSION COMMITTEES 10:15 a.m.

<table>
<thead>
<tr>
<th>Committee 1</th>
<th>Committee 2</th>
<th>Committee Floating Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr. Chan, Chair</td>
<td>Dr. Hobbs, Chair</td>
<td>Dr. Waldron</td>
</tr>
<tr>
<td>Dr. Langel</td>
<td>Dr. Smith</td>
<td>Ms. Colenso</td>
</tr>
<tr>
<td>Dr. Long</td>
<td>Dr. Pratt</td>
<td></td>
</tr>
<tr>
<td>Dr. Corbin-Waters</td>
<td>Dr. Best</td>
<td></td>
</tr>
<tr>
<td>Mr. Slakey</td>
<td>Dr. Schmitt</td>
<td></td>
</tr>
<tr>
<td>Dr. Folweiler (absent)</td>
<td>Ms. Stephens</td>
<td></td>
</tr>
</tbody>
</table>

6.1 Committee 1 Items:

6.1.1 No list and labels requests were received.

6.1.2 Committee members reviewed the Commission Budget Summary and Report. The Commission’s requested license fee reduction will likely take effect in August, 2017.

6.1.3 Committee members reviewed and edited the draft of the expert consultant application and criteria worksheet template. A new version of these documents will be reviewed at the April, 2017 meeting.

6.1.4 Committee members reviewed information on British Columbia’s Consumer Protection Online Dispute Resolution approach. Assistant Attorney General John Macejunas will research if utilizing a similar approach by the Commission would be permitted under current statutes.

6.1.5 Committee members reviewed a Classification of Chiropractic Procedures and Instrumentation List request pertaining to the use of liquid herbals and tinctures, as opposed to herbal supplements in pill form, and the chiropractic scope of practice in RCW 18.25.005. Bob Nicoloff was asked to consult with the Washington Board of Naturopathy regarding the risks and benefits of these substances, and provide a report to the Commission at the April 13, 2017 business meeting.
Committee 2 Items:

6.2.1 No list and labels requests were received.

6.2.2 The current Commission compliance case status report was not available for review.

6.2.3 The current Commission open case status report was not available for review.

6.2.4 Committee members reviewed the draft application for compliance mentors or supervisors, and decided to incorporate material from the expert consultant application developed by Committee. A new version of the application will be presented at the April, 2017 meeting.

6.2.5 Committee members continued their review of the Provider Approved Continuing Education (PACE) concepts for potential recognition and adoption into WAC 246-808-150. Additional work is necessary before the Commission will consider drafting rule language to recognize this program in Washington.

6.2.6 Commission members reviewed a request to remove the Toftness technique from the Chiropractic Procedures and Instrumentation List. After the review, the Committee recommended that the Toftness technique remain on the non-approved list.

7. COMMITTEE REPORTS 11:45 a.m.

7.1 Committees reported to the Commission about their committee work.

8. PUBLIC COMMENT 12:00 p.m.

8.1 Several attendees asked to speak regarding possible rule changes. See 10.2 below.

9. INDEPENDENT CHIROPRACTIC EXAMINATION (ICE) RULES DRAFTING 12:45 p.m.

9.1 Commission members discussed the background information regarding ICES, including jurisdiction and the adopted Interpretive Statement.

9.2 Commission members divided into two groups to begin brainstorming concepts that could serve as the foundation of any ICE rules.

10. RULES WORKSHOP AND PUBLIC COMMENT ON DRAFT RULE LANGUAGE FOR PACKAGES 1 – 5 2:15 p.m.

10.1 The Commission reviewed written comments received on rules packages 1-4.

10.2 Several chiropractors and other members from the public provided verbal comments about the rules.

10.3 Commission members reviewed the draft language in rule package 1-4. Edits were made to the rules in packages 1 and 4; and no edits were made to the rules in packages 2 and 3.
10.4 Work on reviewing and revising the rules in package 5 was deferred to Sunday, February 26, 2017.

10.5 Nancy Elliott gave a short presentation on the timeline of the rules process.

11. PUBLIC COMMENT

11.1 Mark Farmer spoke regarding the public testimonial requirements.

DINNER BREAK – Commission and Staff Dinner

12. INDEPENDENT CHIROPRACTIC EXAMINATION (ICE) RULE DRAFTING (Continued)

12.1 The Commission continued working on drafting a list of ICE definitions and concepts for possible ICE rules.

13. PUBLIC COMMENT

13.1 No additional comments from the public were received.

14. ADJOURNMENT

14.1 The Commission meeting adjourned for the day at 7:30 PM.

OPEN SESSION – Sunday, February 26, 2017

15. CALL TO ORDER

15.1 Dr. Waldron called the meeting to order at 8:35 a.m.

16. COMMISSION OVERVIEW PRESENTATION

16.1 Dr. Smith presented the current version of the Commission’s overview video. Minor edits to the video were identified. Dr. Chan volunteered to assist in the development of an audio track to accompany the presentation. Additionally, Committee 1 will review and update the presentation on an annual basis.

17. COMMISSION PILOT DISCUSSION

17.1 The Commission discussed topics identified by Jim Slakey related to the impact of the pilot on the profession and the public.

Dr. Waldron summarized discussions with the Department of Health management regarding collaboration on the recommendations for the development of the December, 2017 report to the Legislature and Governor on the Commission pilot project.

17.2 Bob Nicoloff presented an outline of the December 2017 pilot report to the Governor and Legislature.
18. COMMISSION MEMBER TRAINING 10:00 a.m.

18.1 Assistant Attorney General John Macejunas presented training on State laws under chapter 42.56 RCW, regarding public records and personal devices for State related activities.

18.2 Ron Rupke and Mike Ellsworth presented overviews of the roles and activities of DOH investigators and staff attorneys.

Judy Colenso presented suggestions for updating the reviewing commission member disciplinary manual.

19. PUBLIC COMMENT 11:30 a.m.

19.1 No additional comments were received from the public.

LUNCH – Commission members and staff continued to meet through lunch. 12:00 p.m.

20. RULES DRAFT LANGUAGE 12:15 p.m.

20.1 No additional comments regarding rules were received from the public.

20.2 No additional changes were made to Rules Packages 1-4.

20.3 The Commission continued to review the rules in Package 5, and edits to some rules were identified. The Commission did not complete the review of all the rules in package 5.

20.4 The summary of ICE rules concepts identified on Saturday, February 25, 2017 were reviewed by the Commission.

21. PUBLIC COMMENT 2:25 p.m.

21.1 No additional comments were received from the public.

22. ADJOURNMENT 2:30 p.m.

22.1 The meeting adjourned at 2:30 p.m.

___________________________________
Prepared By: Leann Yount, Program Manager

___________________________________
Approved By: Matthew Waldron, DC, Chair