On November 9, 2017, the Chiropractic Quality Assurance Commission (Commission) met in Tumwater, Washington at the Department of Health. In accordance with the Open Public Meetings Act, the regular meeting agenda was made available online at least 24-hours prior to the meeting.

OPEN SESSION – Thursday, November 9, 2017 9:15 a.m.

1. CALL TO ORDER 9:15 a.m.

1.1 The agenda was approved as presented.

1.2 The October 12, 2017 meeting minutes were approved.

1.3 Message from the leadership included:

Dr. Chan reported to the Commission that he met with a representative from his legislative district. He also mentioned providing a handout to the representative outlining the
accomplishments during the pilot project. Although the meeting was brief, it was well received and the representative appreciated the meeting and being educated about the pilot project.

Dr. Folweiler and Dr. Hobbs are also communicating with representatives from their legislative districts in an effort to schedule meetings with them.

2. **PILOT PROJECT RESOURCE COMMITTEE UPDATE – Bob Nicoloff, Executive Director**

2.1 Bob Nicoloff provided a Pilot Project Resource Committee update. Some of the highlights include:

- The draft pilot project report is complete and being reviewed by the Department of Health (Department). They may have additional questions and edits to the report, even though the report was collaboratively drafted with the Department. If additional questions or edits are requested, they will be presented to the leadership.

- The Washington State Chiropractic Association submitted to the legislature a request for drafting/sponsoring a bill in order to make the Commission’s business model under the pilot project permanent.

3. **ASSISTANT ATTORNEY GENERAL REPORT – Chris Gerard, AAG 9:15 a.m.**

3.1 Chris Gerard updated the Commission regarding his research about employing staff with different scopes of practices and who can own and operate a chiropractic clinic. He indicated he is still completing research on various laws and is also collaborating with other assistant attorneys general that are in the Government, Compliance, and Enforcement division to compare research. Mr. Gerard will provide a memo to the Commission about his research during the January 11, 2018 meeting.

3.2 Mr. Gerard provided a handout regarding the distinction between advising and lobbying.

Mr. Gerard recommended the Commission adopt a policy that delegates responding to any 2018 legislation pertaining to the pilot project to a leadership subcommittee in order to promptly respond to pilot project legislation in between Commission meetings.

A motion was made to schedule a special meeting conference call in order to develop a policy that delegates decision making for the 2018 legislative session, and any subsequent special sessions that pertain to making the Commission’s business model under the pilot project permanent, to a subcommittee of the Commission leadership. The motion also included developing talking points. Program Manager Leann Yount will send a Doodle Poll to Commission members asking for availability in order to schedule the conference call.

3.3 Mr. Gerard provided a handout to the Commission regarding the differences between interpretive statements, declaratory orders, advisory opinions, policies, and procedures.
WASHINGTON STATE CHIROPRACTIC ASSOCIATION (WSCA) UPDATE – Lori Grassi, Executive Director

Lori Grassi provided a brief update regarding WSCA activities, and legislation relevant to the Commission.

Some of the highlights included:
- Submitted a request for drafting to the legislature to make the Commission’s business model under the pilot project permanent.
- Chiropractic legislative day will be on January 25, 2018.
- The fair pay bill will be reintroduced during the 2018 legislative session.

4. DRAFTING INDEPENDENT CHIROPRACTIC EXAMINATION (ICE) RULES  9:30 a.m.

4.1 Because the meeting was running behind schedule, the Commission deferred continuing to review and discuss comments, and working on drafting ICE rule language to the January 11, 2018 meeting.

5. OTHER RULEMAKING – Leann Yount, Program Manager

5.1 Commission members reviewed comments received during the review of draft WAC 246-808-650 – Retention of records, and continued revising the rule. Commission members voted all in favor to move forward with filing the revised rule draft.

5.2 Commission members also discussed a comment and continued revising WAC 246-808-190 - Preceptor or direct supervisory doctor. Commission members voted all in favor to move forward with filing the revised rule draft.

6. CONFERENCE/BOARD MEETING ATTENDANCE UPDATE  10:15 a.m.

6.1 Dr. Folweiler provided an update about the Council on Licensure, Enforcement, & Regulation meeting he attended on September 13-16, 2017.

Some of the highlights included:
- Professional self-regulation – Is it past its sell-by date
- Board size
  - Many benefits to lay regulation
  - 10-12 is optimal
- Disciplinary evidence “Gone Wild”
- Dishonest behavior
- Sexual abuse
- Disciplinary tools

Dr. Folweiler found the conference very helpful and recommends that staff, particularly the disciplinary staff, attend a future conference.
6.2 Dr. Folweiler did not provide an update about the Washington State Chiropractic Association board meeting held on September 7, 2017, as there weren’t any relevant discussion topics relating to Commission business.

6.3 Some Commission members that attended the Federation of Chiropractic Licensing Boards (FCLB) Districts I and IV meeting on October 5-8, 2017 continued to provide an update to the Commission.

Some of the highlights included:
- Automated CINBAD reports
- Continuing education and audits
- New licensee orientation
- Electronic licenses versus paper based licenses
- Suggestions for improvements with future district meetings to include following up on discussion items.

6.4 Mr. Nicoloff provided the agenda to the Commission for the annual Department of Health and state association representatives meeting he attended on September 25, 2017.


Commission members requested discussion of the following items:

- The Council on Chiropractic Education (CCE) is conducting a public comment period from October 1 – November 30, 2017 regarding proposed revisions that are limited in scope to Section 1 of the CCE Accreditation Standards and has placed the document on the CCE website (www.cce-usa.org) for public comments. – Dr. Chan
  - The Commission did not have any edits to Section 1 of the CCE Accreditation Standards. Leann Yount will respond to the CCE indicating the Commission reviewed Section 1 of the CCE Accreditation Standards and does not have any comments to provide.

- Functional Medicine continuing education course being offered through the Washington State Chiropractic Association – Dr. Langel
  - This item was sent to Committee 2 to review at the January 11, 2018 meeting. Mr. Gerard will research functional medicine terminology and provide it to Committee 2 to review. The Committee will review functional medicine while completing Form 1 of the Classification of Chiropractic Instrumentation and Procedures List.

- Federal HITECH Act and records requests – Dr. Best
  - Dr. Best inquired about the HITECH Act and if the Commission should amend WAC 246-808-650 - Records and X-rays and withdrawal from practice—Maintenance and retention of patient records, to recognize HITECH Act. Chris Gerard, AAG indicated the Commission’s rule is more protective of patient rights than the HITECH Act. Therefore, the HITECH Act doesn’t affect the Commission’s rule and doesn’t need to be referenced in it.
8. COMMISSION BUSINESS MEETINGS – Leann Yount 10:40 a.m.

8.1 Commission members continued discussing venues for the 2018 business meetings and the 2018 meetings will be held at:
- January 11, 2018 – Embassy Suites Seattle – Tacoma International Airport
- March 8, 2018 – Department of Health – Kent
- May 10, 2018 – Department of Health – Kent
- July 12, 2018 – Department of Health – Tumwater or Embassy Suites Seattle – Tacoma International Airport
- September 13, 2018 – Department of Health – Kent
- November 8, 2018 – Department of Health – Kent

9. RULES AND FACT PATTERN TRAINING – Mike Ellsworth, Supervising Staff 10:45 a.m.

9.1 Mike Ellsworth, Suzanne Becker, Thomas Graham, and Chris Gerard provided training to the Commission.

10. MOCK CASE PRESENTATION - Dr. Schmitt 11:15 a.m.

10.1 Because the meeting was running behind schedule, Dr. Schmitt’s mock case presentation was tabled for a future meeting.

11. PUBLIC COMMENT 11:45 a.m.

11.1 Ms. Grassi from the WSCA addressed the Commission in between agenda items three and four. No other member from the public addressed the Commission during the public comment period.

LUNCH 11:50 a.m.

Commission members continued meeting through lunch to discuss the Executive Director’s upcoming performance expectations.

12. CHIROPRACTIC QUALITY ASSURANCE COMMISSION COMMITTEES 12:15 p.m.

<table>
<thead>
<tr>
<th>Committee 1</th>
<th>Committee 2</th>
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<tr>
<td>Dr. Folweiler, Chair</td>
<td>Dr. Hobbs, Chair</td>
<td>Dr. Chan</td>
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<tr>
<td>Dr. Best</td>
<td>Mr. Slakey</td>
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<tr>
<td>Dr. Corbin Waters</td>
<td>Dr. Smith</td>
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12.1 Committee 1 Items:

12.1.1 List and Labels Requests:
Committee 1 members did not have any licensee lists and/or labels requests to review.

12.1.2 Committee members reviewed and revised draft newsletter articles.

12.1.3 Committee members reviewed and updated the mock case and newsletter matrix. Committee members presented to the Commission an idea for training, to include disciplinary sanctions and how to review cases and create notes on a PDF. This will be added to a future meeting agenda.

12.1.4 Committee members continued working on the commission overview presentation.

12.1.5 Committee members began identifying mentoring and training needs for new Commission members. Committee members will continue working on this at the January 11, 2018 meeting.

12.2 Committee 2 Items:

12.2.1 List and Labels Requests:
Committee 2 members did not have any requests for licensee lists and/or labels to review.

12.2.2 Due to his volunteer experience with reading to the blind, committee members designated Dr. Hobbs as the representative to read the Commission overview presentation slides while recording his voice. He graciously accepted the invitation and will begin working on it. It will be presented at a future meeting.

12.2.3 Committee members reviewed and revised draft newsletter articles.

12.2.4 Committee members reviewed and updated the mock case and newsletter matrix.

12.2.5 Committee members discussed the compliance status report. The report is being revised and will be ready to present to the committee at the March 8, 2018 meeting.

12.2.6 Committee members continued reviewing the revised draft application for compliance mentors or supervisors and continued to revise it. Ms. Colenso will send the edits to the legal staff assisting with this project to incorporate them.

13. COMMITTEE REPORTS

13.1 Committees reported to the Commission about their committee work. See the full report under agenda item 12.

14 APPLICATION AND RENEWAL PRESENTATION – Staff

14.1 Because the meeting was running behind schedule, the Commission deferred exercise regarding staff entering a mock application into the training module of the licensing database to show the Commission how staff process applications to the March 8, 2018 meeting.
14.2 Because the meeting was running behind schedule, the Commission deferred the update regarding the new telephonic renewal option.

15. MANAGEMENT REPORT – Commission Staff 2:45 p.m.

15.1 Relevant items:
- Commission members were identified to participate in the scheduled 2018 disciplinary hearings.

16. BYLAW UPDATE – Bob Nicoloff, Executive Director 2:50 p.m.

16.1 Commission members reviewed the revised bylaws and voted all in favor to adopt the amendments to the voting procedure.

17. NEW BUSINESS AND REQUESTS 3:00 p.m.

17.1 Commission members requested discussion of the following items at the January 11, 2018 meeting:
- Revocations and when does a case qualify for it – Dr. Hobbs
- Entering applicant’s email address by default (opt out) into the GovDelivery listserv – Dr. Folweiler
- GovDelivery listserv features and viewing statistics – Dr. Folweiler and Leann Yount

18. PRIORITIZING FUTURE COMMISSION BUSINESS 3:30 p.m.

18.1 Commission members will review a list of future rulemaking needs and prioritize the list accordingly during the January 11, 2018 meeting.

18.2 The Department is seeking chiropractic representation for the 2018 weekly legislative meet-me calls that will occur on Wednesdays at 8:30 am. Commission members identified the following commissioners as the chiropractic program representatives:
- Ronwynn Pratt, DC - designee
- Aaron Chan, DC - alternate

19. PUBLIC COMMENT 3:10 p.m.

19.1 No members from the public were present to address the Commission.

20. CONSENT AGENDA 3:15 p.m.

Items listed under the consent agenda (informational items) are routine agency matters. Items were approved by a single motion of the commission without discussion.

20.1 Chiropractic and chiropractic x-ray technicians licensing statistics as of November 1, 2017.
21. ADJOURNMENT

Prepared By: Leann Yount, Program Manager

_________________________
Date

Approved By: Aaron Chan, DC

_________________________
Date

Chiropractic Quality Assurance Commission
November 9, 2017 Business Meeting Minutes
Licensing Statistics as of November 1, 2017

### Chiropractic X-ray Technicians

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### Chiropractors

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