



# Oregon

Kate Brown, Governor

Board of Chiropractic Examiners

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## Oregon Board of Chiropractic Examiners Public Session Minutes

Best Western Pier Point Inn  
Glenada Conference Room  
85625 Hwy 101  
Florence, OR 97439

**March 12, 2015**

### **Members Present**

Glenn Taylor, Vice-President, Acting Pres.  
Jason Young DC  
Lisa Kouzes DC, Secretary  
Ron Romanick DC  
Amber Reed JD, Public Member

### **Staff Present**

Cassandra Skinner JD, Executive Director  
Kelly Beringer, Admin Assistant  
Donna Dougan, Admin Assistant  
Lori Lindley, AAG  
George Finch, Investigator  
Frank Prideaux DC, Health Investigator

**Excused:** Daniel Côté DC, President; Ann Goldeen DC

### **ADOPTION OF THE AGENDA**

**MEET & GREET 8:00 AM** (and later adjourn to Executive Session)

**CONVENE 11:30 AM**

### **IN THE MATTERS OF**

**NBCE Alternate Delegate.** Dr. Kouzes moved to accept Dr. Côté as the new alternate (he agreed prior to today's meeting); Dr. Young seconded the motion. All in favor. Motion passed unanimously.

### **Request for Stay of Final Orders 2011-5005 & 2012-5005**

Dr. Kouzes made a motion to deny the Request for Stay for both Licensees; Dr. Romanick seconded the motion. Vote: All in favor. Motion passed unanimously.

### **Case # 2015-5007**

Board proposed to issue a consent agreement. Dr. Young moved; Dr. Romanick seconded the motion. Vote: All in favor. Motion passed.

### **Case # 14-2006**

Board proposed case closed with a letter of concern. Mr. Taylor moved to accept; Ms. Reed seconded the motion. Vote: All in favor. Motion passed unanimously.



**Case # 14-1032**

Board proposed a contingent case closed with completion of a cultural competency course approved by board and presented *live*. Ten hours of one-on-one mentorship. Both CE and mentorship to be completed within 90 days. Ms. Reed moved to accept; Dr. Young seconded the motion. Vote: All in favor. Motion passed unanimously.

**Case # 14-1033**

Board proposed a contingent case closed with one file pull (one personal injury, one insurance, or cash patient) within six months. Mr. Taylor moved to accept; Dr. Kouzes seconded the motion. Vote: All in favor. Motion passed unanimously.

**Case # 14-1027**

Board proposed a contingent case closed with a letter of concern and one file pull in six months. Obtain proof of Licensee's Informed Consent form. Dr. Romanick moved to accept; Ms. Reed seconded the motion. Vote: All in favor. Motion passed unanimously.

**Case # 14-1034**

The Board proposed a Notice of Proposed Discipline with a six month suspension, three year probation with file pulls (two per year); a \$5,000 fine plus costs, six (6) hours CE in extremity examination. Both fine and CE are to be paid/completed during suspension. Board proposed Licensee have a mentor for two years with a minimum of 12 visits within first year (at least 8 visits with mentor during suspension); and a minimum 8 visits in second year; mentor to review all of the acute patients; successfully complete Ethics and Boundaries exam. Board will require an "exit" interview with the Board prior to return to practice. This matter, once final, will be reported to the Diplomate Radiology Board. Dr. Kouzes moved to accept the Board's determination; Dr. Romanick seconded the motion. Vote: All in favor. Motion passed unanimously.

**Case # 14-2010**

Board proposed a Notice of Proposed Discipline with a \$1,000 fine and costs, 20 hours CE in billing and coding (in addition to annual 20) to be completed within six months. Two year probation with file pulls, one pull every six months. Mr. Taylor moved to accept; Dr. Young seconded. Vote: All in favor. Motion passed unanimously.

**Case # 14-5014**

Board proposed to ratify the Notice of Dismissal. Dr. Kouzes moved to accept; Ms. Reed seconded. Vote: All in favor. Motion passed unanimously.

**PUBLIC COMMENTS**      No public attendees

**DISCUSSION ITEMS** *(recorded as they occurred)*

**2. Fee increase rule proposals**

**Motion:** Dr. Young moved to enter permanent rulemaking for these proposed amendments to OAR 811-010-0066, 811-010-0085, and 811-010-0086. Dr. Kouzes seconded the motion.

**Discussion:** Dr. Romanick suggested the proposed Senior Active fee be rounded instead of filing the rule at \$318.80.

**Vote:** All in favor. Motion passed unanimously.

**11:45 AM      Break for Working Lunch**

**1. Board retreat follow up** (priorities, citation authority, good moral character, AVC Survey)

a) Board reviewed the AVC (Agreement of Voluntary Compliance) survey results, some were more positive than expected, but a few respondents reported that insurance panels treated the AVC as if it was discipline; b) Dr. Young will have draft language about the CA rule recommendations by the next meeting; c) Executive Director Skinner proposed a pilot project for posting orders online. We would temporarily stop posting the proposed orders (only post once the order is final) and halt posting and remove AVCs since they are not discipline. The six month pilot would run from April 1 to October 1 – reporting to the Board at the November meeting any public response. Board approved the pilot project.

**3. Rules Advisory Committee Recommendations**

The Board reviewed the comments submitted prior to the opening of the rule hearing.

**CORRESPONDENCE**

**Agresta DC (UWS) Extracorporeal Shock Wave Therapy**

There is concern that a licensee without adequate training may attempt to utilize this therapy; in addition, frequently, a local anesthetic is necessary. Oregon law only permits the use of anesthetics with minor surgery (and Oregon DCs have no legal right to recommend adequate pain relievers). This is definitely a procedure that should be further evaluated. It should be looked at by the ETSDP committee. Dr. Romanick made a motion to refer this matter to the Board's ETSDP and Minor Surgery Committee for review, if Dr. Agresta follows up with an application to do so. Dr. Young seconded the motion. Vote: All in favor. Motion passed unanimously.

**4. Website posting policy**

Board reviewed the Executive Director's proposed policy for posting board orders to its website.

**1:00 PM Rule Hearing** (no public present)

Mr. Taylor opened the hearing. Written comment on both rules was received and previously distributed to board members; most were minor edits.

- 811-010-0085 Application and Examination of Applicants  
Dr. Romanick moved to permanently adopt OAR 811-010-0085 as revised today; Dr. Young seconded. Vote: All in favor. Motion passed unanimously.
- 811-015-0005 Records  
Dr. Young moved to permanently adopt the edited version of OAR 811-015-0005; Dr. Kouzes seconded the motion. Vote: All in favor. Motion passed unanimously.

**2:20 PM Hearing closed**

**WORK SESSION**

1. Oregon Administrative Rule Review Division 10 – General Rules and Licensing
2. Oregon Revised Statute Review – General Provisions

Dr. Kouzes recommended adding all pertinent rules and statutes into the booklet, and posted on the web. AAG Lindley will provide those of which she is aware.

The board members will take responsibility for a section or sections to review as follows:

- Dr. Young will review 811-010-0100
- Ms. Reed will review 811-010-0120 and 00130 (with Dr. Côté's help)
- Dr. Kouzes will review 811-001-0005 through 0040
- Dr. Romanick will review 811-010-0045 and 0089
- Mr. Taylor will review 811-010-0066, 0071, 0080 and 0084
- Dr. Côté – 811-010-0090 and 0093
- Dr. Goldeen – 811-010-0095

Holding any input on 811-010-0085 and 0086 for now.

Dr. Young moved to adjourn the meeting. Dr. Kouzes seconded the motion. Vote: All in favor. Motion passed unanimously.

**ADJOURN 3:00 PM**