



# Oregon

Kate Brown, Governor

Board of Chiropractic Examiners

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## Oregon Board of Chiropractic Examiners Public Session Minutes

University of Western States – Hampton Hall  
2900 NE 132<sup>nd</sup> Avenue  
Portland, OR 97230

**May 21, 2015**

### Members Present

Daniel Côté DC, President

Glenn Taylor, Vice-President

Lisa Kouzes, DC, Secretary

Jason Young DC

Ann Goldeen DC

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

**Others:** Drs. Scott Abrahamson and Heather Crumbaker

**8:30 AM Meet and Greet area DCs**

**ADOPTION OF THE AGENDA** Dr. Young moved to adopt the agenda as presented; Dr. Kouzes seconded the motion. Vote: All in favor. Motion passed unanimously.

**CONVENE Public Session 1:00 PM**

### ADMINISTRATIVE RULES HEARING

**Opened 1:10 PM** The Board proposed to amend fees cited in OAR 811-010-0066 Reciprocity, 811-010-0085 Application and Examination of Applicants, and 811-010-0086 Annual Registration

**Comments:** Dr. Heather Crumbaker feels the Board's assessed civil penalties are not in proportion to the licensees' transgression. These DCs should be bearing the cost of the fees more than the non-violating chiropractors. Other written comment was provided by Dr. Ann Michaels; Dr. Daniel Côté read her letter into the record.

**Board discussion:** These fee increases will bring in about \$320,000 – a portion of the revenue will cover the discipline matters the Board manages. Executive Director Skinner surveyed other states to find out where Oregon stood in the fee/licensee ratio; Oregon is in the median.

Regarding the proposed Senior Active fee, staff suggested a change to \$315 instead of the calculated "75% of the active fee" which was \$318.80. The Board is in favor of that recommendation.

**Motion 1** Dr. Romanick moved to accept the amended fee to \$315; Dr. Goldeen seconded the motion.

**Vote on Motion 1:** All in favor. Motion passed unanimously.



**Motion 2** Dr. Romanick moved and Dr. Goldeen seconded the motion to adopt the three proposed amendments to fee increases to be effective July 1, 2015 (the beginning of the new biennium).

**Vote on Motion 2:** All in favor. Motion passed unanimously.

### **DISCUSSION ITEMS**

#### **1. Documentation CE - Drs. Freedland and Corll (proposal to reduce hours)**

Dr. Côté opened the discussion with the recommendation by Drs. Corll and Freedland to reduce the hours of CE required (currently proposed to be six). After discussion by the public and the board about the quality of the education available and the need for more record keeping CE, the discussion turned to having a practical presentation. Dr. Abrahamson suggested reducing the requirement to four hours, and also thinks peer review of the Licensee's charts could be good. Dr. Goldeen referred to CHP's self-evaluation tool for charts. Dr. Young also suggested that Licensees be reminded what an initial note looks like compared to a daily visit. Dr. Côté proposed a reduced two (2) hour course reviewing the record keeping check list and then offer the (optional) chart review for 2 more hours (i.e. Licensees swap samples of their charts with a peer or peers for their review and feedback). Patient names should be redacted from the "sample" charts. Drs. Young and Romanick will help draft an affidavit which will verify that evaluation of one DCs charts to the Checklist.

**Motion:** Dr. Côté moved to accept this proposal; Dr. Kouzes seconded the motion.

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

#### **2. Ratification/Vote for 2016 DC continuing education (documentation) (see discussion above)**

#### **3. OCPUG Committee update (Joyce McClure DC) Board reviewed Dr. McClure's report.**

#### **4. Committee Appointment/s**

Executive Director Skinner recommended that the Board review the existing ad hoc committee rosters considering that some of the members have been on their committee since the inception of those committees; this is contrary to the standard structure of ad hoc committees.

**Motion 1:** Dr. Côté moved to review the existing committee lists; Dr. Kouzes seconded the motion.

**Vote on Motion 1:** All in favor. Motion passed unanimously.

**Motion 2:** Mr. Taylor moved to appoint Dr. Peter Vuky as an alternate member to the Peer Review Committee; Dr. Young seconded the motion.

**Discussion:** Mr. Taylor would like the Board to meet again with Dr. Vuky before his status changes to voting member, and he would like the Board to create a process to check in with future alternates before they become voting members.

**Vote on Motion 2:** All in favor. Motion passed unanimously.

**5. “Secure TeleHealth” Telemedicine – Michael Megehee DC**

AAG Lindley: where the patient receives services is which state has the control. She added that Texas requires an actual patient encounter before their licensees can give advice (e.g. over the internet). Mr. Finch added that speech language therapists providing therapies from out-of-state to Oregon students, are required to have an Oregon license. Lindley suggested asking other chiropractic board directors how they look at this issue. Mr. Taylor added that this was a big topic at the FCLB meeting, when does the patient/doctor relationship start? etc. He proposed we continue the discussion, check with other boards, and inquire at the FCLB District IV meeting. We may want to do a PowerPoll. The main question is, how are we protecting the patient?

**Public FYI: FCLB Report Annual Conference** – The Board sent one FCLB Delegate, Dr. Kouzes, and one NBCE delegate, Mr. Taylor. Mr. Taylor learned more about the purposes of the FCLB and the NBCE; he attended the animal chiropractic sessions, and Roberts Rules of Order and found them very useful. Dr. Kouzes reported that the NBCE will start building any exams for any Board; they are also trying to build an international exam. Dr. Kouzes briefly touched on the other exams developed and offered by the NBCE – SPEC, Ethics, etc.

**2:55 PM      ADJOURN to Executive Session**

**3:45 PM      Reconvene to Public Session**

**IN THE MATTERS OF**

**Case # 2013-2013**

The Board proposed an early release from Licensee’s probation. Dr. Côté moved to accept the determination; Mr. Taylor seconded the motion. Vote: All in favor. Motion passed unanimously.

**DC Applicant**

The Board proposed to allow licensure once application is complete and required exams are passed. Mr. Taylor moved to accept the proposal; Ms. Reed seconded the motion. Vote: Côté, aye; Kouzes, aye; Goldeen, aye; Taylor, aye; Romanick, nay; and Young, nay. Motion passed.

**Case # 2015-5008**

The Board proposed to issue a Consent Agreement for certification with stipulations to disclose Applicant’s arrest history. Dr. Young moved to accept the proposal; Dr. Kouzes seconded the motion. Vote: Young, aye; Reed, aye; Côté, aye; and Kouzes, aye. Romanick, nay; Taylor, nay; and Goldeen, nay. Motion passed.

**Case # 2014-5010**

The Board proposed a 90 day extension once Applicant resumes employment. Applicant must restart restitution payments as stated in the previous Consent Agreement. Ms. Reed moved to accept the proposal; Dr. Kouzes seconded the motion. Vote: All in favor. Motion passed unanimously.

**Case # 2012-5025**

The Board denied Licensee’s request for early release from probation. Dr. Young moved to accept the Board’s decision; Dr. Goldeen seconded the motion. Vote: Kouzes recused. Romanick, aye; Taylor, aye; Côté, aye; Reed, aye; Young, aye, and Goldeen, aye. Motion passed.

**DC Applicant**

The Board proposed Applicant must take and pass the NBCE SPEC exam before eligible to take Oregon exam; plus, prior to Applicant's first renewal, Applicant must complete six hours documentation CE (which was approved in 2013). Dr. Goldeen moved to accept; Dr. Kouzes seconded the motion. Vote: All in favor. Motion passed unanimously.

**Case # 2015-5006**

The Board proposed to issue the CA Applicant certification with no stipulations. Dr. Goldeen moved to accept. Dr. Kouzes seconded the motion. Vote: All in favor. Motion passed unanimously.

**Case # 2015-5002**

The Board proposed to issue a Consent Agreement to certify the CA Applicant with stipulations to disclose arrest history. Dr. Young moved to accept; Dr. Romanick seconded the motion. Vote: Reed, aye; Côté, aye; Young, aye; Romanick, aye; and Kouzes, aye. Taylor, nay; Goldeen, nay. Motion passed.

**Case #2015-1002**

The Board proposed no statutory violation. Ms. Reed moved to accept; Dr. Goldeen seconded the motion. Vote: All in favor. Motion passed unanimously.

**3:25 PM** Return to Executive Session.

**3:45 PM** Reconvene to Public Session

**Case # 2015-5001**

Dr. Côté modified his previous motion to a contingent case closed and 8 hours documentation and coding; 8 hours pediatric care (protocols and analysis)(CE is in addition to regular annual hours); successfully complete the EBAS (Ethics Boundaries) test and EBAS must be completed within 120 days. Two year probation with two file pulls/year (3 files each time): one pediatric, one MVA, one regular insurance/wellness care. Dr. Goldeen seconded the motion as amended. Vote: All in favor. Motion passed unanimously.

**Case #2014-1007**

The Board proposed to re-open the case. Dr. Kouzes moved to accept the proposal; Mr. Taylor seconded the motion. Vote: All in favor. Motion passed unanimously.

**Case #2014-3010**

The Board proposed insufficient evidence. Mr. Taylor moved to accept the proposal; Dr. Young seconded the motion. Vote: All in favor. Motion passed unanimously.

**Case #2015-3001**

The Board proposed insufficient evidence. Mr. Taylor moved to accept the proposal; Dr. Young seconded the motion. Vote: All in favor. Motion passed unanimously.

**Case #2014-2013**

The Board proposed a contingent case closed and the Licensee must refund money received by the insurance company; complete 6 hours CE in billing and coding; and successfully complete the EBAS

(CE and EBAS are to be completed within 120 days). Dr. Young moved to accept the Board's proposal; Mr. Taylor seconded the motion. Vote: All in favor. Motion passed unanimously.

**Case #2015-1005**

The Board proposed a contingent case closed with one file pull in three months (three random files). Dr. Romanick moved to accept the proposal; Dr. Young seconded the motion. Vote: All in favor. Motion passed unanimously.

**Case #2015-1004**

The Board proposed a no statutory violation. Dr. Romanick moved to accept the proposal; Dr. Kouzes seconded the motion. Vote: All in favor. Motion passed unanimously.

**Case #2015-1000**

The Board proposed case closed. Dr. Young moved to accept the proposal; Dr. Kouzes seconded the motion. Vote: All in favor. Motion passed unanimously.

**4:00 PM      WORK SESSION**

**A. Adjunct Committee Discussion**

Peer Review Committee (PRC) – currently PRC members can serve two three year terms; add PRC term limits to the web site. Mr. Taylor proposed the Board adopt a rule or policy which will enable the board to re-consider a PRC alternate before appointing them as a full PRC member. The Board will also consider a policy to determine whether a PRC member should step down if they are found to have violated the law or rule. And lastly, establish an attendance policy, and create a mechanism to remove a member from any adjunct committee. Discussion to be continued in future meetings.

**B. Administrative Rules Review (Board and Staff)** Discussion moved to July

**C. Good Moral Character (DOJ draft)** Discussion moved to July

**D. Board Retreat Follow up; Oklahoma Citation Authority**

AAG Lindley believes that citation authority would have to be added to the statute; she will look into the matter further.

**E. Review Board Actions Summary**

Limitations on practice should be added under disciplinary. Continuing education and testing should each be its own item. Add the Actions Summary to the Board's flash drive.

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

**4:45 PM      ADJOURN**