

To: Oregon DCs, CAs & Public Notice Mailing List

(Note to clinic staff, you must pass this along to your Doctor/s of Chiropractic)

Oregon Board of Chiropractic Examiners (OBCE)

Public Notice & Newsletter Update

June 24, 2014

- OBCE President's Report (New Executive Director, OCPUG review)
- OBCE July 17, 2014 Public Meeting Notice
- Record Keeping Rule Revisions: Public Comment Accepted
- Chiropractic Assistant Rule Revision: Public Comment Accepted
- Confidential Agreements rule Proposed: Public Comment Accepted
- Administrative Rule and Law Reminders
- CA Renewal Changes
- Peer Review Committee Opening

President's Report, Daniel Côté DC

[Charles Wadsworth](#) wrote

“By the time a man realizes that maybe his father was right, he usually has a son who thinks he's wrong.”

I came across this quote over Father's day weekend and related it to the Chiropractic profession, for over one hundred years we have produced generations of outstanding physicians, passionate healers, and great thinkers, yet we attempt to constantly reinvent the wheel.

We, the Chiropractors, are great, we are diverse and that should make us stronger. We should embrace our diversity instead of arguing about it, what we need is to agree on our commonality.

At the next OBCE meeting I would like to begin the conversation on revising the Oregon Chiropractic Practices and Utilization Guidelines. Nationwide the profession refers to minimal clinical standards without a clear definition. OCPUG dates from the early 1990's and is in need of revision. This will be a difficult challenge and I am requesting your help. Together we can set the standards on commonality; what all Chiropractors should follow before embracing their own diversity.

If you are interested in participating I would like you to email us, tell us what you would like to do and why; attach a C.V. and your availability. (oregon.obce@oregon.gov)

New Executive Director: Next, I am pleased to announce that **Cassandra (Cass) Skinner** has been hired by the Board of Chiropractic Examiners as its Executive Director, to follow in Dave McTeague's esteemed footsteps upon his retirement at the end of June, 2014.

Cass comes to us with a rich background in public health and public service, having held recent positions as General Counsel and Health Equity Officer for Trillium Community Health Plan (Trillium) and Chair of the Board of Commissioners for Oregon's Liquor Control Commission (OLCC).

A graduate of the University of Oregon School of Law, Cass has dedicated her legal career to public service, holding board and leadership positions for multiple entities including the National Alcohol Beverage Control Association, the Governor's Council on Domestic Violence, the Lane County Human Rights Advisory Committee, Head Start of Lane County, several programs with the Oregon State Bar, and Oregon Women Lawyers.

She has volunteered with the Attorney General's Sexual Assault Task Force, Lane County Legal Aid, and the University of Oregon's Student Health Advisory Committee and Health Education Program. Cass currently volunteers as a judge for West Eugene's Teen Court, and as a member of Womenspace's Advisory Board.

Before her positions with Trillium and the OLCC, Cass owned and operated her own law firm, specializing in family law and estate planning. She was recognized as one of Eugene Register-Guard Blue Chip's "20 under 40" for 2010.

It was a thorough process with numerous outstanding candidates. If you would like to meet our new Executive Director join us during the public session of the July 17th Board meeting in Salem.

Thank you and have a wonderful summer,

Daniel M. Côté D.C.

OBCE July 17th Board Meeting & Public Hearing on Rule Amendments.

The Board's July 17, 2014 meeting will be held in the 2nd Floor Large Conference Room of the Morrow Crane Building, 3218 Pringle Road SE, Salem, Oregon.

The Public meeting will begin at 1:30 p.m. or following Executive Session. This meeting will have a public hearing and possible final action on the three rules proposals listed below.

The Board's Executive Session will begin at 8:30 a.m. to review health professional license investigations (ORS 192.660(2)(j)), contested cases, personnel matters and receive legal advice (ORS 192.660(2)(h)). The Board will vote in Public Session on "In The Matters Of." As noted by Dr. Côté above, there will be an initial discussion regarding a process to update the Oregon Chiropractic Practice and Utilization Guidelines. The OBCE public agenda will be posted on the OBCE Web page two weeks prior to the meeting.

Public Rulemaking Hearing, July 17, 2014 1:30 p.m. before the OBCE:

- **Record Keeping rule, OAR 811-015-0005.** The OBCE has voted to enter into permanent rulemaking for the purpose of making the minimum requirements for clinical record keeping more explicit. The Nevada rule language and checklist provided a template which the Administrative Rules Advisory Committee and Board refined at their recent meetings. The checklist is not a formal part of the rule. Following public hearing in May, the Board has made some additional modest changes in the proposed rule language. Public comment is now accepted.

- **Chiropractic Assistants, OAR 811-010-0110.** The current rule Draft 3 is focused on allowing CAs to take vitals, such as height, weight, blood pressure, temperature, pulse, respiration and/or body fat percentages.
- **Unprofessional Conduct, OAR 811-035-0015.** This is a proposed new subsection (26) to prohibit confidential agreements whereby licensees may claim they cannot respond or answer questions concerning certain matters under investigation by the OBCE.

The Notices of Proposed Rulemaking and rule drafts can be found on the OBCE's Home page at: <http://www.oregon.gov/OBCE>. Public comment may be sent to the Board's email address at oregon.obce@oregon.gov, faxed to (503) 362-1260, or mailed to the Board's address at 3218 Pringle Road SE, #150, Salem, Oregon 97302.

Further Discussion on the Chiropractic Assistant Rule. While the Board may adopt the above limited amendment on July 17th, they have also created an ad-hoc committee to discuss, and possibly propose, other changes to the CA rule that could require a minimum amount of training for those performing massage therapies, and/or propose a higher level of certification generally with an expanded scope requiring a higher level of initial training. To be kept informed of this committee's work, drop an email to oregon.obce@state.or.us

Administrative Rule and Law REMINDERS

DCs must keep their address with the OBCE current! OAR 811-010-0015, Filing Addresses. Each person holding a license to practice Chiropractic in the State of Oregon under the laws administered by this Board shall file their proper and current business address or their mailing address if they are not currently in practice, with the Board at its office. Each individual shall immediately notify this Board in writing at its office address of any change in mailing or business address, giving both the old and the new address.

Ending the Patient-Doctor relationship with a difficult patient requires reasonable notice. OAR 811-035-0005, Duties and Obligations of Chiropractic Physicians to Their Patients. "(1) The health and welfare of the patient shall always be the first priority of Chiropractic physicians... (3) Chiropractic physicians have the right to select their cases and patients. The patient has the right to continuity of care once the doctor has agreed to treat the patient. The chiropractor may terminate the patient-doctor relationship only when the patient has been given reasonable notice. It is permissible for the doctor to terminate the patient-doctor relationship when the patient fails to cooperate." See Section 9 of the Patient-Doctor Relationship Chapter for additional discussion. http://www.oregon.gov/obce/pages/prac_guidelines.aspx#Chapter_1_Patient_-_Doctor_Relationship

CA renewal changes. *(Please CAs and clinics, renew your CAs early this year. And Doctors, if the CA no longer works for you, you MUST return the Renewal Notice to the Board so we can forward it to the CA's alternate address; they may still renew their license.)*

The Chiropractic Assistant renewal fee increased to \$75 in November 2013. Notices for CA renewals went out by June 1st. There is also now a 30 day grace period for chiropractic assistant renewal. However, when a CA's certificate expires on August 1st, they can still legally practice for 30 more days, but to renew in that period they have to pay a \$75 renewal fee plus the \$25 delinquent fee. After that they must cease practice. They can still renew and get their certificate reinstated with payment of their renewal fee plus a \$50 delinquent fee for up to one year post their July 31 renewal date. After that they must go through the application process from the beginning.

Benefits to the CAs is they can get their certificate reinstated easier and at less cost than having to reapply, retake the initial training course and retake the CA examination. Benefits to the OBCE is less processing of CA issues when certificates expire and less processing of initial CA applications.

OBCE Peer Review Committee Opening.

There is currently an opening for an alternate member on the OBCE's Peer Review Committee. Often the alternate member moves up to full member within a short time. The alternate attends and may participate, and votes if another member can't attend the meeting. The committee has a regular membership of seven. A doctor may serve for up to two three-year terms. Applicants must be licensed Oregon chiropractic physicians currently in practice for over five years.

The OBCE refers complaints to the Peer Review Committee for in-depth file reviews and personal interviews with respondent doctors and sometimes complainants. Their primary role is investigatory and typically involves complaints regarding clinical justification, excessive treatment, documentation, and billing irregularities. At the conclusion of the review, the committee makes a report back to the OBCE.

The Peer Review Committee meets six to eight times a year, usually on 2nd Thursdays at the OBCE offices in Salem. There is also review of patient files and cases prior to meetings and report writing thereafter. Infrequently, a peer review member may be asked to provide expert testimony in a contested case hearing. Peer Review members are reimbursed for \$30 a day per meeting, and mileage.

Any Oregon chiropractic physician wishing to serve on this committee should submit a letter of interest and resume to the OBCE, 3218 Pringle Road SE #150, Salem, Oregon 97302, or fax 503-362-1260, or email oregon.obce@state.or.us

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For more information contact the OBCE at (503) 378-5816, email oregon.obce@oregon.gov, fax (503) 362-1260. The OBCE website is: <http://www.oregon.gov/OBCE/>