

OBCE BOARD MEETING PUBLIC SESSION MINUTES	July 21, 2016 8:30 AM	
	Meeting held at: OBCE Administrative Office Morrow Crane Building, 2 nd Floor Large Conf Rm 3218 Pringle Road SE, Salem, OR 97302	
Board President: Jason Young, DC	Phone 503-378-5816	Fax 503-362-1260

REVISED 11/2/16

In attendance:

Dr. Jason Young, Mr. Glenn Taylor, Dr. Lisa Kouzes, Dr. Ron Romanick, Dr. Paul Bjornson, Dr. Franchesca Vermillion, Ms. Amber Reed, J.D., Ms. Lori Lindley, AAG, Ms. Cass Skinner, Executive Director, Dr. Frank Prideaux, Healthcare Investigator, Mr. George Finch, Investigator, Ms. Donna Dougan, Administrative Assistant, Mr. Ray McLaughlin, Geico Insurance, Mr. Aaron Denbo, Geico Insurance, Dr. Elizabeth Washak, Eugene Chiropractic Clinic and Mr. Ben Maude, Office Manager, Eugene Chiropractic Clinic.

8:30 AM CONVENE

ADOPTION OF THE AGENDA

Move to adopt: Dr. Lisa Kouzes

Seconded: Dr. Paul Bjornson

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

I. PUBLIC COMMENTS

Ray McLaughlin and Aaron Denbo, investigators from Geico Insurance, addressed the issue of overbilling by massage therapists within chiropractic offices, particularly use of CPT codes 97124 and 97140. Would like the Board to issue a reminder to providers that this is a violation of statute

After further discussion, it was determined to include a general article in the e-blast newsletter regarding this issue and bringing the statute to the attention of the profession.

II. DISCUSSION ITEMS

1. OCPUG Committee Report

Dr. Ron Romanick reports that the OCPUG Committee has asked the Board to review their final draft document, once submitted to the Board. The Board will review the submitted document at the September 22-23, 2016 meeting, making edits, if necessary, at that time. The final Board draft of the OCPUG document will then be posted to the OBCE website. Dr. Romanick commended Dr. Joyce McClure for chairing the OCPUG.

2. Charting Questions brought forward by Dr. Minga Guerrero

“I’m researching the OBCE rules on signing chart entries and found some language in Policy and Practice that negates the best practice rules I’ve thought were standard. NCQA, AHIP and most of the national

meetings I've attended state that the author of origin for a chart must be identified in specific ways. As long as one of these is met, it's best practice:

- *Author of origin should sign at end of chart by hand.*
- *Signature can be electronic, typed, or signed as long as this closes the file so all future additions get labeled addendums.*
- *Signature can be illegible if it's typed underneath legibly and no others are treating the patient. (However, this doesn't protect you from alleged malpractice confusion if the author of origin is in question.) CHP still recommends legibility in signature*

2016 OBCE Guide to Policy Practice:

Current administrative rule 811-015-0005 Records states, "(1)(b) Every page of chart notes will identify the patient by name, and the clinic of origin by name and address. Each entry will be identified by day, month, year, provider of service and author of the record."

The Board's interpretation of this rule is that in a sole practitioner office, the entries are sufficiently identified by the name on the cover sheet, or at the top of every page, as long as there are not other people seeing and treating the patient. (07/19/12)"

QUESTIONS: Submitted by Dr. Guerrero

1. *According to the policy posted above, does the board accept it if a doctor simply has letter head with their name somewhere in the header or footer on each page of a chart? YES?NO*

Board response is yes.

2. *They don't technically have to sign it. As long as there are 'not' other people seeing the patient, letterhead with provider's name is sufficient? YES / NO*

Board response is yes.

3. *I assume that includes a CA. The doctor must have zero others doing PT or anything to the patient. Correct? YES / NO*

Board response is yes.

4. *If they have their name on letterhead, they don't have to actually sign their chart. YES / NO*

Board response is yes.

5. *Does the board require an electronically signed chart to show the file is closed after each entry? YES / NO*

Board response is unsure what this means and would refer them back to the OCPUG.

6. *Does the board allow a doctor to have several dates of service on one page with no signature for each entry, as long as their name is on the letterhead of each printed page? YES / NO*

Board response is yes.

Additional question posed by Dr. Thomas Freedland:

Should there be a signature on each page of the chart notes?

The Board determined the policy is good as written:

Excerpt from the Guide to Policy & Practice Questions

Current administrative rule states, 811-015-0005 Records states, (1)(b) Every page of chart notes will identify the patient by name and one other unique identifier (date of birth, medical record number, etc.), and the clinic of origin by name and address. Each entry will be identified by day, month, year, provider of service and author of the record.”

The Board’s interpretation of this rule is that in a sole practitioner office, the entries are sufficiently identified by the name on the cover sheet, or at the top of every page, as long as there are not other people seeing and treating the patient. (07/19/12)

3. Record Keeping Checklist update Dr. Thomas Freedland

Dr. Freedland has recommended the following addition to the OBCE Checklist:

- Every page of the records identify the clinic of origin by name and address.

Dr. Frank Prideaux had suggested that the Board put on the Checklist the following:

- Relevant information, height, weight and blood pressure and that they document that they (doctors) provided a PARQ and contained a consent.

Proposal: Adopt as amended - Effective July 21, 2016 the Checklist will include: a record of the initial and subsequent examinations and the results (bold indicates new language) “, **including relevant findings such as height, weight, blood pressure, pulse, temperature, respirations, etc. as clinically indicated”**”

Motion: Dr. Ron Romanick

Seconded: Mr. Glenn Taylor

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

4. Senior Active Renewal Statistics

These statistics were presented for information only.

5. State Records Management Policy (Gov. Kate Brown)

Continued discussion at the September board meeting during the work session portion of the meeting.

CORRESPONDENCE

1. NBCE Updates Mr. Glenn Taylor

Mr. Glenn Taylor reported on the status of the NBCE’s Computer- Based-Testing. Because of recent malfunctions with some of the exams given in March and then again in June, the NBCE has implemented a contingency plan to ensure that exam content and delivery mode provide a valid, fair, and legally defensible assessment of the examinees.

Adjourn: 9:40 A.M.

Reconvene: 2:00 P.M.

IN THE MATTERS OF

Case No: 2013-3015

Proposal: Have licensee interview before the Board on September 22, 2016.

Motion: Dr. Ron Romanick

Seconded: Dr. Paul Bjornson

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

Case No: 2013-1004

Proposal: Continue with File Reviews

Motion: Dr. Ron Romanick

Seconded: Dr. Lisa Kouzes

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

Case No: 2014-2010

Proposal: Case Closed

Motion: Dr. Paul Bjornson

Seconded: Dr. Franchesca Vermillion

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

Case No: 2016-5008

Proposal: Submit applicant a letter of the seriousness of disclosure and to grant the certificate.

Motion: Dr. Jason Young

Seconded: Dr. Paul Bjornson

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

Case No: 2015-3009

Proposal: Ratification of the Final Order: Suspension of six months.

Motion: Ms. Amber Reed

Seconded: Dr. Paul Bjornson

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

Case No: 2011-1022

Proposal: Accept recommendation to reduce therapy sessions to one time per month.

Motion: Dr. Paul Bjornson

Seconded: Dr. Franchesca Vermillion

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

Case No: 2016-1011

Proposal: No Statutory Violation

Motion: Dr. Ron Romanick

Seconded: Dr. Lisa Kouzes

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

Case No: 2016-1016

Proposal: Provide records requested

Motion: Ms. Amber Reed

Seconded: Mr. Glenn Taylor

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

Case No: 2015-1001

Proposal: Issue Proposed Notice of Discipline and refer to Department of Justice Consumer Protection Division and DHS; successfully complete the Ethics and Boundaries Assessment Services (EBAS) within three months, successfully complete the Special Purpose Examination for Chiropractors (SPEC) within three months, issue a \$15,000 fine within three months, File Review of three files of patients over the age of 65 that have completed the program, Licensee must agree that the OBCE can walk in and pull the files with another File Review six months from this order.

Motion: Dr. Lisa Kouzes

Seconded: Mr. Glenn Taylor

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

Case No: 2015-3005

Proposal: Case combined with 2015-1001.

Motion: Dr. Lisa Kouzes

Seconded: Mr. Glenn Taylor

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

Case No: 2016-1007

Proposal: Case combined with 2015-1001

Motion: Dr. Lisa Kouzes

Seconded: Mr. Glenn Taylor

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

Case No: 2016-3004

Proposal: Insufficient Evidence with a Letter of Concern.

Motion: Dr. Paul Bjornson

Seconded: Ms. Amber Reed

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

Case No: 16-1012

Proposal: No Statutory Violation

Motion: Dr. Paul Bjornson

Seconded: Dr. Ron Romanick

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

Case No: 2016-3000

Proposal: No Statutory Violation

Motion: Dr. Jason Young

Seconded: Dr. Franchesca Vermillion

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, Recused, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed

Case No: 2015-2001 et, al

Proposal: Ratify Stipulated Order

Motion: Dr. Ron Romanick

Seconded: Dr. Franchesca Vermillion

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

Case No: 2016-1013

Proposal: No Statutory Violation

Motion: Dr. Franchesca Vermillion

Seconded: Dr. Lisa Kouzes

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

Case No: 2016-5005

Proposal: Revocation license, and pay a fine of \$2000 within three months; Report to the Oregon State Bar and the California State Bar when complete.

Motion: Dr. Lisa Kouzes

Seconded: Dr. Franchesca Vermillion

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

Case No: 2016-3006

Proposal: Approve the Stipulated Order

Motion: Mr. Glenn Taylor

Seconded: Dr. Paul Bjornson

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

Case No: 2016-3008

Proposal: Insufficient Evidence and a Letter of Concern.

Motion: Ms. Amber Reed

Seconded: Dr. Franchesca Vermillion

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

WORK SESSION (*no movement on work session today*)

Administrative Rule Considerations/Revisions

Citation Authority

Good Moral Character

Military Spouse

Telehealth/telemedicine rules (Other State Rules?)

- Lisa Kouzes – 811-010-0005 through 0040 (*Definitions; Addresses; etc.*)
- Glenn Taylor – 811-010-0066, 0071, 0080 and 0084 (*Reciprocity; Board; Applicants*)
- Daniel Côté (*re-assign*)– 811-010-0090 and 0093 (*Food and Drugs; Policy & Practice*)
- Paul Bjornson – 811-010-0095 (*Peer Review*)
- Jason Young – 811-010-0100 (*Chiro Assistants*)
- Amber Reed – 811-010-0120 and 0130

Board Retreat Follow Up (Review table of Priorities)

Proposal: Motion to adjourn

Motion: Dr. Franchesca Vermillion

Seconded: Dr. Lisa Kouzes

Vote : Dr. Jason Young, aye, Mr. Glenn Taylor, aye, Dr. Paul Bjornson, aye, Dr. F. Vermillion, aye, Dr. Lisa Kouzes, aye, Dr. Ron Romanick, aye, Ms. Amber Reed, aye.

Motion passed unanimously

ADJOURN: 2:15 pm

Prepared by Donna Dougan, OBCE, Administrative Assistant

Transcribed 8/10/16

Tape destruction 8/10/17

4) Board and Commission Meeting Minutes Series documents the official proceedings of the board or commission meetings. Records may include agendas; minutes; meeting notices; items for board action; contested case hearings schedules; committee reports; exhibits; and related correspondence and documentation. Records may also include audio recordings of meetings used to prepare summaries. (Retention: (a) Minutes: Permanent, transfer to State Archives after 10 years; (b) Audio recordings: 1 year after transcribed, destroy; (c) Other records: 5 years, destroy).