

<b>OBCE BOARD MEETING PUBLIC SESSION</b>	<b>March 17, 2016 8:30 AM</b>
	<b>Meeting will be held at:</b> OBCE Administrative Office Morrow Crane Building 3218 Pringle Road SE, 2 <sup>nd</sup> Floor Large Conf. Rm Salem, Oregon 97302
<b>Board President: Jason Young, DC</b>	<b>Phone 503-378-5816 Fax 503-362-1260</b>

**Members Present**

Jason Young DC, President  
 Glenn Taylor, Vice-President, Public Mbr.  
 Lisa Kouzes, DC Secretary  
 Paul Bjornson DC  
 Ron Romanick DC

**Staff Present**

Cassandra Skinner JD, Executive Director  
 Kelly Beringer, Admin Assistant  
 Donna Dougan, Admin Assistant  
 Lori Lindley, AAG  
 George Finch, Investigator  
 Frank Prideaux DC, Healthcare Investigator  
 Cody Cosgrove, Office Specialist

**Others Present:** Drs. Vern Saboe, Joyce McClure, J. Michael Burke, Anthony Marrone, Chuck Simpson, Scott Abrahamson, Sharron Fuchs, and Anthony Medina

**8:30 AM CONVENE**

**ADOPTION OF THE AGENDA**

Proposal: Adopt as amended  
 Motion: Dr. Romanick; seconded by Dr. Kouzes  
 Vote: Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.  
 Motion passed unanimously

**REVIEW and ADOPT January 2016 Minutes**

Proposal: Adopt as amended  
 Motion: Dr. Kouzes; seconded by Dr. Romanick  
 Vote: Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.  
 Motion passed unanimously

**I. PUBLIC COMMENTS**

(Comments must be limited to 3-5 minutes. Please notify the Board office in advance if you wish to address the Board.)

**OCPUG Discussion:**

**Comment made by Dr. Vern Saboe, in summary:** Dr. Saboe commented on the disparity between what was given to the Board from the OCPUG Committee and the removal of complete sections of the document. Additionally, he would like the Board to consider the levels of evidence and would like the Board to re-insert that section in document. He also would like to state that he jumped the gun on the required continuing education hours on the OCPUG and further discussion with the OCA will be had.

**Comment made by Dr. Joyce McClure, in summary:** Dr. McClure related her dismay in seeing the current version of the OCPUG with the edits and sections that were deleted.

**Comment made by Dr. Sharon Fuchs, in summary:** Dr. Fuchs recommends that the Board send the document back to the OCPUG Committee for further work.

**Additional comment from Dr. McClure:** Relating to a letter submitted to the Board by Dr. Saboe that was not a product or submitted on behalf of the OCA.

**Response from Dr. Saboe, in summary:** Letter submitted in response to Dr. Burke's testimony.

**Response from Dr. Burke, in summary:** Letter was submitted and paid for by OCA.

**Comment made by Dr. Michael Burke, in summary:** Dr. Burke is in opposition of the inclusion of the W.A.D. section into the OCPUG Guidelines. Written comment was submitted.

**5. Comment made by Dr. Anthony Marrone:** Dr. Marrone is in opposition of the inclusion of the W.A.D. section into the OCPUG Guidelines as written.

**Further comment made by Dr. Saboe:** Dr. Saboe would like to not lose sight of the fact that the OCPUG Committee was charged with addressing Chapter 5 of the old OCPUG, Categories of Injury. And objects to the testimony after the fact we have individuals saying "no".

**6. Comment given by Dr. Chuck Simpson:** Dr. Simpson would like the Board to define its role in the development of clinical practice guidelines. Further discussion was had.

- Action Item: Dr. McClure send her original version.
- OCPUG- has not been disbanded.
- Board would like some ongoing input from the committee; clear up the references issue.

Proposal: Send these documents back to OCPUG Committee for further review and submission of a more final version.

Motion: Dr. Romanick moved; the motion seconded by Mr. Taylor

Vote: Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.

Motion passed unanimously

**End Comment on OCPUG 9:30 AM**

#### **IV. CORRESPONDENCE**

1. Request for Approval Chiro Assistant Webinar Initial Training (Abrahamson DC)

**Public comment made by Dr. Abrahamson:** Dr. Abrahamson is petitioning the Board to remove the question and answer portion of the chiropractic assistant initial training requirement, to allow for online initial training of chiropractic assistants; the didactic portion of the training specifically.

**Issue**

To allow online, non-live, Chiropractic Assistant Initial Training Courses. Update the Introduction.
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**Outcome**

Approved

**Reasoning**

Meets requirements

**Proposal:** Change the introduction page to accept non-live CA Initial Training Course; amended to include 7 month pilot program from April 1-Nov 1 2016.

**Motion:** Mr. Taylor moved to accept the proposal; Dr. Romanick seconded the motion.

**Vote:** Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye. Dr. Young recused.

**III. DISCUSSION ITEMS**

2. Policy Discussion – Request change re: Chiropractic Assistants and “Hot” Lasers

**Issue**

Public comment made by Dr. Sharron Fuchs: Would like to see the policy changed to allow CAs with proper training and supervision to use Class IV Lasers.

Dr. Young: Dr. Hosmer submitting to ETSDP

Sharon Fuchs: doesn't agree that it needs to go to ETSDP.

**Outcome**

This will be investigated further.

**Reasoning**

We are waiting for Dr. Hosmer to submit his research on the Class IV Laser and the use thereof.

**II. ADMINISTRATIVE RULE HEARING 8:30 AM Hearing, start time 10:04 AM**

OARs 811-010-0110 Chiropractic Assistants and 811-010-0084 Fitness Determination, and 811-010-0084 carry to the May meeting.

OBCE will refile OAR 811-010-0110 with the proposal, mentioned above, and the language change removing the clause 2. B. of the Rule Hearing Notice filed on February 11, 2016 with the Secretary of State's office stating the OBCE will absorb the cost of the Oregon State Police/ FBI checks.

Proposal: Replace 2(b)(A) in the CA Rule OAR 811-010-0110 with language of 3(f) of the DC rule OAR 811-010-0085.

Motion: Dr. Lisa Kouzes moved to approve the proposal; Dr. Romanick seconded the motion.

\*\*This motion died; the OBCE will refile OAR 811-010-0110 with the proposal, mentioned above, and the language change removing clause 2.b. under the Statement of Cost of Compliance in the Rule Hearing Notice filed on February 11, 2016 with the Secretary of State's office stating the OBCE will absorb the cost of the Oregon State Police/ FBI checks. The intent is for the OBCE to not absorb the fee or cost of the background checks.

811-010-0085 (DC) Applicants for Examination

**Proposal:** Adopt as amended

**Motion:** Dr. Kouzes moves to adopt the rule as amended; Mr. Taylor seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye. Motion passed unanimously

### III. (Return to) DISCUSSION ITEMS

#### 1. OHA Workforce Database Temp and Proposed Permanent Rules

**Issue**

FYI to the Board. Temporary Rule is in effect through August. Permanent rule making hearing March 23, 2016.

**Outcome**

n/a

**Reasoning**

n/a

#### 2. Policy Discussion – Request change re: Chiropractic Assistants and “Hot” Lasers See above

#### 3. Policy Discussion – Vitals requirement for March-to-May New CAs

**Issue**

1. Board determined that the CAs will have to have that education by renewal date.
2. If trained under another license in vitals are they exempt from the vitals policy.

**Outcome**

Communication to trainers to include that in their training.

**Reasoning**

That all CAs are receiving training on how to take vitals

**Proposal:** Add to number 2, CAs that license between March and May must get two hours in vitals by the second renewal.

**Motion:** Dr. Romanick moved to accept the proposal; Dr. Kouzes seconded the motion. Discussion was had.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.

Motion passed unanimously

\* The Board will revisit at a later date the issue regarding what happens to those CAs already licensed and trained to perform vitals.

#### 4. Ad Hoc Committee Procedures (for approval)

**Issue**

Approval of the Ad Hoc Committee & Selection Criteria

**Outcome**

Approved as amended

**Reasoning**

Ad Hoc Committee procedure and policy

Discussion was had.

**Proposal:** Ad Hoc Committee & Selection Criteria amendments: 3. the board shall appoint a chair when the committee is formed. The Board may also appoint a vice chair. 5. Meeting Records: The Board shall receive records of dates of meetings, attendees and any advice from provided to the Board from the committee chair. Move attendance paragraph in number 5 to number 2. 6. Parliamentary Authority: Establishing a majority; remove this paragraph. 6. Minority Reports: change to all. 7. Remove capitalization of the word chiropractor. Adopt as amended.

**Motion:** Mr. Taylor moves to adopt as amended; Dr. Kouzes seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.

Motion passed unanimously

5. Oregon Chiropractic Practices and Utilization Guidelines (OCPUG)

- a. 2016 DRAFT1 OCPUG for Board Review
- b. A. Rosner PhD Evidence-Based Review (commissioned by OCA)
- c. Previous written comment by J. Michael Burke DC
- d. Proposed Required CE for Revised OCPUG WAD (V. Saboe DC)
- e. Public Comment re: WAD (C. Simpson DC)

**Issue**

Discussion will continue after original document is re-reviewed by the OCPUG Committee

**Outcome**

Dr. Romanick will act as the Board liaison

**Reasoning**

This document needs more work

Discussion was had

**Proposal 1:** Refer back to OCPUG Committee under the new Ad Hoc Committee Procedures.

**Motion:** Dr. Kouzes moved to return the document to OCPUG Committee under the new Ad Hoc Committee Procedures; Mr. Taylor seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.

Motion passed unanimously

**Proposal 2:** Dr. Romanick to act as the Board liaison

**Motion:** Dr. Kouzes moves that accept Proposal 2; Dr. Romanick will be the Board liaison to the OCPUG Committee; Mr. Glenn Taylor seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye

Motion passed unanimously

Further discussion: There will be no CE on the OCPUG at this time.

**Break for lunch 11:35- 11:55**

6. Practice question – Nurse Practitioner and manipulation

**Issue**

Scope of practice manipulation- must have specific training

**Outcome**

No action, it is within her scope of practice.

**Reasoning**

It's within her scope.

**7. Review and Approve Policy & Practice Question Guide and Common Practice-Related Questions**

Public Comment was made by Dr. Sharron Fuchs re: Scope of Practice Forum (off topic) – would like scope of practice be addressed by a committee not just the OBCE. All the scope of practice questions could go to a committee that is made up of University of Western States, OBCE and field doctors for input. That a committee of people who are your stake holders come together and talk about it, then come to the Board if it needs to be answered at some level here, if you want to discuss the training that would be necessary to meet the minimum standard of education for whatever it is that is being discussed.

Action Item: Sharron Fuchs to send the dates of the next meeting. Dr Young is the OBCE Delegate to that meeting.

Discussion was had regarding P&P.

**Issue**

Review and Approve

**Outcome**

7a. P&P add to the forward- adopt  
7b. Defer the FAQ section to next May.

**Reasoning**

7a. P&P has previously been reviewed and approved. 7b. FAQs section has not been reviewed by most of the Board members.

**Proposal:** 7a. P & P adopt the updates that we already approved.

**Motion:** Dr. Romanick moved to accept the proposal: Mr. Taylor seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.

Motion passed unanimously

**8. Fee Splitting Inquiry (Advertise in Church/Donate portion back)**

**Issue**

Is it fee splitting if the doctor's portion is donated back to the church?

**Outcome**

Yes, this would be considered Fee Splitting.

**Reasoning**

The Board has a policy regarding Fee Splitting

**9. Online Transcripts for NBCE, State Boards, Colleges**

**Issue**

1. Issuing digital transcripts as long as it certified by the registrar: 2. Determine the passing rate of the Minor Surgery/Proctology and OB/GYN exams. 3. Are we willing to allow the applicants to take the exams on different days? 4. No weighted questions?

**Outcome**

See below

**Reasoning**

Efficiency

**Proposal 1:** Yes, online transcripts will be accepted so long as certified by registrar; Pass rate of 75%. 50 questions per exam is sufficient. And applicants may take the exams on different days. No weighted questions.

**Motion:** Mr. Taylor moved to accept the proposal: Dr. Bjornson seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.

Motion passed unanimously

**Proposal 2:** Remove weighted section of 811-010-0085 7.a. to become consistent with above.

**Motion:** Dr. Kouzes moved to accept proposal: Dr. Romanick seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye

Motion passed unanimously

## 10. Scope of Practice Forum Delegation

### Issue

Need to appoint a delegate to the forum

### Outcome

Dr. Young appointed to the forum. Dr. Cote is still participating in this forum.

### Reasoning

Board would like a member to participate

## 11. Key Performance Measures Update

### Issue

Approve the proposed 3 new KPMs

### Outcome

Approved

### Reasoning

To provide a clearer picture of Key Performance Measures

**Proposal:** Approve the proposed 3 new KPMs

**Motion:** Mr. Taylor moved to accept: Dr. Kouzes seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.

Motion passed unanimously

## 12. Request for Approval REVISED Record Keeping (Freedland DC, Corll DC and Burke DC)

### Issue

For Approval

### Outcome

Approved

### Reasoning

Meets requirements

**Proposal:** Approve Record Keeping course.

**Motion:** Dr. Kouzes moved to accept proposal: Dr. Romanick seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Dr. Kouzes, aye; Mr. Taylor, abstains.

Motion passed unanimously

### 13. Request for Approval of Record Keeping CE (Powers DC / ChiroCredit.com)

**Issue**

For Approval

**Outcome**

approve

**Reasoning**

**Meets requirements**

**Proposal:** Approve Record Keeping

**Motion:** Dr. Kouzes moved to accept proposal: Dr. Romanick seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Dr. Kouzes, aye; Mr. Taylor, abstains.

Motion passed unanimously

### 14. Request for Approval Record Keeping (CHP Group)

**Issue**

For Approval

**Outcome**

approved

**Reasoning**

**Meets requirements**

**Proposal:** Approve Record Keeping course.

**Motion:** Dr. Kouzes moved to accept proposal: Dr. Romanick seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Dr. Kouzes, aye; Mr. Taylor, abstains.

Motion passed unanimously

### 15. Billing issues FYI – (Guerrero DC)

**Issue**

Concern about charges for massage therapy.

**Outcome**

No Board action – Add to the OBCE newsletter to the June letter.

**Reasoning**

Not a Board issue; more of an OCA issue.

**16. Request for Approval CA Initial Training (Allan DC)**

**Issue**

For Approval

**Outcome**

Dr. Allan approved to train CAs for Initial Training.

**Reasoning**

Meets requirements

**Proposal:** Approval of Dr. Allan as a CA Initial Trainer.

**Motion:** Dr. Kouzes moved to accept the proposal: Dr. Bjornson seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Dr. Kouzes, aye; Mr. Taylor, aye.

Motion passed unanimously

**17. Request for Approval of Record Keeping (Mills-Chang c/o K Johnston DC)**

**Issue**

Approval of Dr. Mills Record Keeping course.

**Outcome**

Not approved

**Reasoning**

OBCE will contact and let Dr. Mills know to submit specific information related to the OBCE Checklist.

**Re-convene 4:00 PM**

**V. IN THE MATTERS OF (following Executive Session)**

**Discussion Item:**

**Whether we can reschedule to Sept meeting from 9/15/16 to 9/22/16 for our two day meeting.**

**Proposal:** Move the September meeting from Klamath Falls to Salem Sept meeting changing the date from 9/15/16 to 9/22/16. Have a late start on September 23, 2016 either 9:00 AM or 9:30 AM.

**Motion:** Mr. Taylor moved to accept the proposal; Dr. Kouzes seconded the motion.

**Vote;** Vote: Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.

Motion passed unanimously.

**Case No: 2013-3015**

**Proposal:** Pull new cases for May after receipt of letter.

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

**Vote:** Vote: Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.

Motion passed unanimously.

**Case No: 2014-1033**

**Proposal:** They need to request a hearing on our notice.

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

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.  
Motion passed unanimously.

**Case No: 2014-2010**

**Proposal:** Continue with file pulls.

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

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.  
Motion passed unanimously.

**Case No: 2016-5002**

**Proposal:** License with stipulations: up to six random UA's for two years, all future employing chiropractors be notified of criminal history and to continue with NA/AA meetings for two years.

**Motion:** Dr. Ron Romanick moved to accept the proposal; Mr. Glenn Taylor seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.  
Motion passed unanimously.

**Case No: 2016-5001**

**Proposal:** License with stipulations: up to six random UA's for two years, all future employing chiropractors be notified of criminal history

**Motion:** Mr. Glenn Taylor moved to accept the proposal; Dr. Lisa Kouzes seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.  
Motion passed unanimously.

**Case No: 2015-2015**

**Proposal:** Contingent Case Closed with 2 file pulls of employees' files within one year.

Communications between his to clarified and an office policy of complimentary treatment of employees.

**Motion:** Dr. Paul Bjornson moved to accept the proposal; Mr. Glenn Taylor seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.  
Motion passed unanimously.

**Case No: 2015-3015**

**Proposal:** Case Closed with a Letter of Concern.

**Motion:** Dr. Lisa Kouzes moved to accept the proposal; Dr. Paul Bjornson seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.  
Motion passed unanimously.

**Case No: 2015-1005**

**Proposal 1:** Dismissal of the Notice of Proposed Discipline

**Motion:** Dr. Lisa Kouzes moved to accept the proposal; Mr. Glenn Taylor seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.  
Motion passed unanimously.

**Proposal 2:** Letter of Concern

**Motion:** Dr. Lisa Kouzes moved to accept the proposal; Mr. Glenn Taylor seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.  
Motion passed unanimously

**Case No: 2015-1021**

**Proposal:** Case closed NSV

**Motion:** Mr. Glenn Taylor moved to accept the proposal; Dr. Ron Romanick seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.  
Motion passed unanimously

**Proposal:** to Adjourn

**Motion:** Dr. Lisa Kouzes moves to adjourn; Dr. Ron Romanick seconded the motion.

**Vote:** Dr. Young, aye; Dr. Romanick, aye; Dr. Bjornson, aye; Mr. Taylor, aye; Dr. Kouzes, aye.  
Motion passed unanimously.

**VI WORK SESSION (no movement on this section at this meeting)**

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 – 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)

**Adjourn 4:10 PM**

Prepared by Donna Dougan, OBCE, Administrative Assistant

Transcribed 04/22/16; Edited 05/18/16

Tape destruction 05/18/17

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).