



# Oregon

John A. Kitzhaber, MD, Governor

## Oregon Board of Chiropractic Examiners

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### **PUBLIC SESSION**

Holiday Inn Express Corvallis-On The River

781 NE 2nd Street

Corvallis, OR 97330

### **November 20, 2014**

#### **Members Present**

Daniel Côté DC, President

Ann Goldeen DC VP (teleconference)

Glenn Taylor, Secretary

Jason Young DC

Lisa Kouzes DC

Ron Romanick DC

Amber Reed JD, Public Member

#### **Staff Present**

Cassandra Skinner JD, Executive Director

Kelly Beringer, Admin Assistant

Donna Dougan, Admin Assistant

Frank Prideaux DC, Health Investigator

George Finch, Investigator

Lori Lindley, AAG

**Others Present** Lori Persons, NICB

#### **8:00 AM Meet and Greet with Area Doctors of Chiropractic**

The following doctors appeared for the Board's meet and greet with the Board – Drs. Todd Bilby, Rodney Holland, Carl Hanson, Usha Honeyman, Joshua Ort, and John Winckler.

#### **9:00 AM CONVENE for regular board business**

**ADOPTION OF THE AGENDA** – Glenn Taylor moved to adopt the agenda as presented; Ann Goldeen seconded the motion. All in favor; motion passed unanimously.

**PUBLIC COMMENTS** None offered.

#### **DISCUSSION ITEMS**

1. **Administrative rule discussion – Records Disposition:** addressing what a DC or a DC's legal representative's duties are with regard to patient records after DC moves, retires, becomes incapacitated, unable to practice, or dies.

Dr. Kouzes recommended that there be two patient identifiers such as name and date of birth. Dr. Goldeen asked whether we want to insert the recommendation for completing records (discussion #2) into this rule, instead of just making a policy. Board members discussed paragraph (6)(f) regarding the disposition of the records when the responsibility falls to the extended family, etc. Lisa Kouzes proposed to go into rulemaking, Amber Reed seconded the motion. Discussion: Dr. Romanick asked about section (6)(A)(2)(b) and the need for "HIPAA compliant medical record system in relation to an email notification. Board members agreed to delete that paragraph and incorporate subsection (6)(A)(2)(a) into section (2) as one sentence. The proposed language will be presented to the Rules Advisory Committee for review. The committee may not meet until late January or early February 2015.



## **2. Policy discussion: Should a minimum # of days be established to complete a patient's chart?**

Cass Skinner recommended this requirement be a policy only, not an administrative rule. Board members agreed. After some discussion, the board settled on this statement: "The preliminary notes should be done within 72 hours and a finalized version entered into the record no later than 30 days following the patient encounter." Glenn Taylor suggested that the board add a statement before that sentence (above) similar to "While best practice would be to complete the preliminary chart note within one day of the patient's visit, it is the policy of the OBCE that chart notes be completed within 72 hours of the preliminary version to encourage the best practice." Glenn Taylor moved to accept the proposed draft policy; Lisa Kouzes seconded the motion. All in favor; motion passed unanimously.

The policy will read as follows:

### **RECORD KEEPING – CHART NOTES**

While the best practice would be to complete the preliminary chart note within one day of the patient's visit, it is the policy of the OBCE that chart notes be completed within 72 hours of the patient's visit. The preliminary chart notes should be done within 72 hours of a patient's visit and a finalized version entered into the record no later than 30 days following the patient visit.

The policy will be added to the OBCE's Guide to Policy and Practice Questions

## **3. FCLB/NBCE Report (Dr. Côté and Cass Skinner)**

A report was provided to the members. This was a District I and IV conference. Cass was able to meet a number of other board members, executive directors, and the new executive director for FCLB. The NBCE is trying to offer the Ethics exam to other professions other than just chiropractors; Dr. Côté added that it has been tested with nine other professions. There was a full day of round table discussions including social media, deceptive trade practices, medical marijuana, etc.

Dr. Côté invited board members interested in volunteering to develop Part III around Feb 27-28, 2015. Members would fly in Thursday, February 26 to Greeley, Colorado; fly out on March 1. All expenses are paid – flight, room, and (NBCE) per diem. Attendees would also get CE credit. Dr. Côté can approve two attendees; Jason Young and Ron Romanick are both interested.

## **4. Policy discussion: English language proficiency (FCLB Power Poll)**

The question is, do we allow someone to assist another to take the test because they cannot speak English? Not many other boards have an English proficiency requirement; most merely state in their policies and rules that the exam is provided in English. The Board determined that the important factor is that applicants are completing the exam without assistance. The Board directed staff to create a certification that can be printed stating that the CA applicant has completed the exam alone, by him/herself. Dr. Kouzes also suggested using monitored testing sites to ensure that requirement but that may be cost prohibitive.

The current policy will not be amended, but a certification will be added for the applicant to submit, certifying that he/she completed the exam him/herself.

## **5. Upcoming 2015 meetings**

The Board will schedule a January 2015 retreat (1/16 to 1/17); a venue still needs to be chosen. The

Board determined the following schedule for the 2015 board meetings.

January 16-17 – Salem (Staff will check availability at The Grand Hotel.)  
March 12 – Florence (location TBD)  
May 21 – University of Western States, Portland  
July 16 – Salem  
September 17- Bend (location TBD)  
November 19 - Salem

The New Doctor meetings may be moved from Thursdays to Fridays.

The Rules Advisory Committee will be scheduled for a late January 2015 or early February meeting in consideration of the holidays. The location will likely be in Wilsonville. The RAC recommendations will be presented to the Board at the March meeting/rule hearing.

#### **6. Staff Report**

Nothing else to add beyond what was already discussed.

#### **7. Rule Discussion - Military Spouse/Partner & Licensure**

This is a federal recommendation that states offer military families, basically a short cut to licensure. The Oregon Revised Statutes already contain a statute in this regard, but Lori Lindley, AAG, recommends the Board draft a rule for the specific requirements for a DC license. Dr. Goldeen moved to enter rulemaking for this proposal; Jason Young seconded the motion. Motion passed unanimously. Refer this proposal to the Rules Advisory Committee.

#### **8. Possible Discussion – Uroplasty (held over)**

### **CORRESPONDENCE**

#### **1. Can DCs sell OTCs, etc. to the general public without a doctor/patient relationship or “prescription?”**

Dr. Kouzes commented that it may be fine, but the DC is adopting risk. Dr. Prideaux asked whether it matters if a person walks in off the street and buys it. This question relates only to the selling of OTC products, not providing nutritional advice or guidance. Both DCs and CAs may sell OTC products. CAs may not provide nutritional advice or guidance but DCs may. If a DC provides nutritional advice or guidance, a doctor/patient relationship is formed and that sale and advice or guidance given must be noted in the patient’s medical records.

**10:45 AM      BREAK and ADJOURN to Executive Session**  
**2:30 PM        RECONVENE**

### **IN THE MATTERS OF**

#### **Case # 2012-3009      Kent Achtyes DC**

The Board proposed to release the licensee from the Agreement of Voluntary Compliance for reasons of compliance. Glenn Taylor moved to accept the determination; Ron Romanick seconded the motion. All in favor. Motion passed unanimously.

**Case # 2013-2029** The Board proposed Case Closed. Lisa Kouzes moved to accept the determination; Jason Young seconded the motion. All in favor. Motion passed unanimously.

**Joshua Dawson, Chiropractic Assistant applicant**

Motion 1 – The Board proposed to Deny the CA certification. Lisa Kouzes moved to accept the determination; Jason Young seconded the motion. All in favor. Motion passed unanimously.

Motion 2 – The Board authorized disclosure of this matter to the Oregon Board of Massage Therapists. Lisa Kouzes moved to accept; Jason Young seconded the motion. Taylor, aye; Young, aye; Reed, aye; Romanick, aye; Côté, aye; and Kouzes, aye. Goldeen no vote. Motion passed unanimously.

**Sandy Santee, Chiropractic Assistant applicant**

The Board proposed to Deny the CA certification. Jason Young moved to accept; Lisa Kouzes seconded the motion. All in favor. Motion passed unanimously.

**David Bohrer DC**

The Board proposed an early release from his probation based on his compliance and success to date. Case Closed. Glenn Taylor moved to accept; Jason Young seconded the motion. All in favor. Motion passed unanimously.

**Case # 2014-2007** The Board proposed a Contingent Case Closed with 12 hours CE to be completed within 6 months and one adult patient file pull. Lisa Kouzes moved to accept the determination; Glenn Taylor seconded the motion. All in favor. Motion passed unanimously.

**Case # 2014-2011** The Board proposed no statutory violation. Glenn Taylor moved to accept the determination; Lisa Kouzes seconded the motion. All in favor. Motion passed unanimously.

**Case # 2013-1007** The Board proposed Case Closed. Glenn Taylor moved to accept the determination; Ron Romanick seconded the motion. All in favor. Motion passed unanimously.

**Case # 2012-5005 Lance Hatch DC**

The Board proposed to issue the Amended Final Order (Revocation). Glenn Taylor moved to accept the determination; Amber Reed seconded the motion. Kouzes, aye; Young, aye; Romanick, aye; Côté, aye; Reed, aye; and Taylor, aye. Goldeen, no vote. Motion passed.

**Case # 2011-2005 Brandon Hatch DC**

The Board proposed to issue the Amended Final Order (Revocation). Glenn Taylor moved to accept the determination; Amber Reed seconded the motion. Kouzes, aye; Young, aye; Romanick, aye; Côté, aye; Reed, aye; and Taylor, aye. Goldeen, no vote. Motion passed.

**Case # 2014-3007** The Board proposed Case Closed. Ann Goldeen moved to accept the determination; Glenn Taylor seconded the motion. All in favor. Motion passed unanimously.

**Case # 2014-3006     Anthony Marasco DC**

The Board proposed to issue a Notice of Discipline with eight (8) hours CE in charting to be completed within six months, and six (6) hours CE in clinical justification; Two file pulls to be performed over one year; successful completion of the NBCE Ethics and Boundaries course within six months. No fine. Daniel Côté moved to accept the determination; Jason Young seconded the motion. Romanick, aye; Young, aye; Côté, aye; Reed, aye; and Taylor, aye. Kouzes recused and Goldeen, nay. Motion passed.

**Case # 2014-1021**     The Board proposed Case Closed. Amber Reed moved to accept the determination; Lisa Kouzes seconded the motion. All in favor. Motion passed unanimously.

**Case # 2014-2008**     The Board found no statutory violation, but will make recommendations to the licensee. Jason Young moved to accept the determination; Ann Goldeen seconded the motion. All in favor. Motion passed unanimously.

**Case # 2014-1018**     The Board found no statutory violation, but will send a letter of concern to the licensee. Ron Romanick moved to accept the determination; Glenn Taylor seconded the motion. All in favor. Motion passed unanimously.

Dr. Côté asked for a motion to close the meeting. Lisa Kouzes moved to end today's meeting; Jason Young seconded the motion. All in favor. Motion passed unanimously.

**2:55 PM     ADJOURN for the day**