



**PUBLIC MEETING MINUTES**

3218 Pringle Road SE  
2<sup>nd</sup> Floor Conf Room  
Salem, OR 97302

**March 17, 2011**

**Members Present**

Ann Goldeen DC, President  
Daniel Cote DC, Vice-President  
Huma Pierce DC, Secretary  
Joyce McClure DC  
Michael Vissers DC,  
Cookie Parker-Kent, Public Member  
Douglas Dick, Public Member

**Staff Present**

Dave McTeague, Executive Director  
Donna Dougan, Admin Asst  
Tom Rozinski, Investigator  
Lori Lindley, Assistant AG

**Others Present:** Sharron Fuchs DC

**CONVENE 1:30 p.m.**

**ADOPTION OF THE AGENDA** Adopted as presented.

**IN THE MATTERS OF**

**Bryan Scott DC:** The Board proposed to continue Dr. Scott's probation as initially determined in Case 1998-1014 for another two years. Daniel Cote DC moved to accept the determination; Cookie Parker-Kent seconded. All in favor. Parker-Kent, aye; Ann Goldeen, aye; Michael Vissers, aye; Huma Pierce, aye; Doug Dick, aye; Daniel Cote, aye; and Joyce McClure, aye.

**Christian Schuster DC, mentor report, see Case # 2011-1004** The Board proposed to approve a contingent emergency suspension; the Board will give Dr. Schuster 14 days to hire someone to assist him with his chart noting, and bring the charts up to date. Cookie Parker-Kent moved to accept the determination; Daniel Cote seconded the motion. All in favor. Goldeen, aye; Vissers, aye; Pierce, aye; Parker-Kent, aye; Dick, aye; Cote, aye; and McClure, aye.

**Sarah Reynolds, CA applicant, Case #2011 – 5005**

Board proposed to issue the CA license with the standard disclosure stipulations. Cookie Parker-Kent moved to accept the Board's determination; Doug Dick seconded the motion. All in favor. Vissers, aye; McClure, aye; Cote, aye; Pierce, aye; Dick, aye; Goldeen, aye; and Parker-Kent, aye.

**Case # 2010-1002**

The Board proposed to issue a Competency Order to have a chiropractic physician evaluated by a qualified psychologist. Cookie Parker-Kent moved to accept the determination; Huma Pierce seconded the motion. All in favor. Vissers, aye; McClure, aye; Cote, aye; Pierce, aye; Dick, aye; Goldeen, aye; and Parker-Kent, aye.

**Kristen Lohman, CA applicant, Case #2010 -5020**

The Board proposed to license Kristen Lohman with the notification (disclosure) conditions and up to four random UA's per year for the time she is a licensed chiropractic assistant. Cookie Parker-Kent moved to accept the determination; Daniel Cote seconded the motion. Goldeen, aye; Vissers, aye; Pierce, aye; Parker-Kent, aye; Dick, aye; Cote, aye; and McClure, aye.

**Case #s 2010-2003 & 2010-2004 William Thoens DC**

The Board accepted the Peer Review report and proposed a letter of reprimand, a one-year plan of supervision with mentoring, and licensee must complete 12 hours billing and coding education. Daniel Cote moved to accept the Board's determination; Doug Dick seconded the motion. All in favor. Vissers, aye; McClure, aye; Cote, aye; Pierce, aye; Dick, aye; Goldeen, aye; and Parker-Kent, aye.

**Case #2010-3008**

The Board proposed a contingent case close if the licensee gets four hours consultation from a board-approved billing and coding expert. Ann Goldeen moved to accept the determination; Cookie Parker-Kent seconded the motion. All in favor. Vissers, aye; McClure, aye; Cote, aye; Pierce, aye; Dick, aye; Goldeen, aye; and Parker-Kent, aye.

**Case #2010-1028 Jonathan Preiss DC**

The Board accepted the Peer Review report, and proposed a letter of reprimand, plan of supervision with mentoring for two years, file pulls on the pre-paid plans, repay the patient \$520.14, and he must take the OBCE Ethics and Jurisprudence examination within six months. Joyce McClure moved to accept the determination; Cookie Parker-Kent seconded the motion. All in favor. Vissers, aye; McClure, aye; Cote, aye; Pierce, aye; Dick, aye; Goldeen, aye; and Parker-Kent, aye.

**Case #2011-1000**

The Board proposed a contingent determination of insufficient evidence with a letter of concern with the understanding that he reads Angela Redleaf's book with chapters on dual relationships. Daniel Cote moved to accept the Board's determination; Cookie Parker-Kent seconded the motion. All in favor. Vissers, aye; McClure, aye; Cote, aye; Pierce, aye; Dick, aye; Goldeen, aye; and Parker-Kent, aye.

**Case #2010-1032**

The Board proposed to rescind its Notice of Proposed Discipline (originally issued 1-20-2011) and refer the matter to the Peer Review Committee. Daniel Cote moved to accept the determination; Michael Vissers seconded the motion. All in favor. McClure, aye; Cote, aye; Pierce, aye; Dick, aye; Goldeen, aye; Vissers, aye; and Parker-Kent, aye.

**Case #2011-1003**

The Board proposed no statutory violation. Joyce McClure moved to accept the determination; Huma Pierce seconded the motion. All in favor. McClure, aye; Cote, aye; Pierce, aye; Dick, aye; Goldeen, aye; Vissers, aye; and Parker-Kent, aye.

**Case #2010-3011**

The Board proposed no statutory violation. Ann Goldeen moved to accept the determination; Huma Pierce seconded the motion. All in favor. Vissers, aye; McClure, aye; Cote, aye; Pierce, aye; Dick, aye; Goldeen, aye; and Parker-Kent, aye.

**Case #2011-3002**

The Board proposed insufficient evidence with a letter of concern. Doug Dick moved to accept the determination; Cookie Parker-Kent seconded the motion. Ann Goldeen recused. Vissers, aye; McClure, aye; Cote, aye; Pierce, aye; Dick, aye; and Parker-Kent, aye.

**Case #2011-3008**

The Board proposed no statutory violation. Doug Dick moved to accept the determination; Cookie Parker-Kent seconded the motion. All in favor. Vissers, aye; McClure, aye; Cote, aye; Pierce, aye; Dick, aye; Goldeen, aye; and Parker-Kent, aye.

**Case #2010-1033**

The Board proposed no statutory violation. Daniel Cote moved to accept the determination; Cookie Parker-Kent seconded the motion. All in favor. Vissers, aye; McClure, aye; Cote, aye; Pierce, aye; Dick, aye; Goldeen, aye; and Parker-Kent, aye.

**Case #2011-5001**

The Board proposed insufficient evidence with a letter of concern. Cookie Parker-Kent moved to accept the determination; Daniel Cote seconded the motion. Vissers, aye; McClure, aye; Cote, aye; Pierce, aye; Dick, aye; Ann Goldeen, aye; and Parker-Kent, aye.

**Case #2010-1019      Todd Hansen DC**

The Board had previously voted to revoke the license, and reaffirmed its proposal. Michael Vissers moved to accept the Board's determination; Cookie Parker-Kent seconded the motion. All in favor. Vissers, aye; McClure, aye; Cote, aye; Pierce, aye; Dick, aye; Goldeen, aye; and Parker-Kent, aye.

**Case #2011-2000**

The Board proposed no statutory violation. Joyce McClure moved to accept the determination; Huma Pierce seconded the motion. All in favor. Vissers, aye; McClure, aye; Cote, aye; Pierce, aye; Dick, aye; Goldeen, aye; and Parker-Kent, aye.

**Case #2010-2007**

The Board proposed insufficient evidence to find a violation; however, the board will send a letter of concern to the licensee. Michael Vissers moved to accept the board's determination; Cookie Parker-Kent seconded the motion. All in favor. Cote, aye; Vissers, aye; McClure, aye; Pierce, aye; Dick, aye; Goldeen, aye; and Parker-Kent, aye.

**Case #2010-2008**

The Board proposed no statutory violation. Huma Pierce moved to accept the determination; Joyce McClure seconded the motion. All in favor. Cote, aye; Vissers, aye; McClure, aye; Pierce, aye; Dick, aye; Goldeen, aye; and Parker-Kent, aye.

**Case #2011-5004      D. Scott McEldowney DC**

The Board proposed a \$1000 civil penalty Doug Dick moved to accept the Board's determination; Cookie Parker-Kent seconded the motion. All in favor. Vissers, aye; McClure, aye; Cote, aye; Pierce, aye; Dick, aye; Goldeen, aye; and Parker-Kent, aye.

**Case #2010-5021 Karen Cendejas, CA licensee**

The Board proposed to revoke the chiropractic assistant's license. Cookie Parker-Kent moved to accept the Board's determination; Michael Vissers seconded the motion. All in favor. Cote, aye; Vissers, aye; McClure, aye; Pierce, aye; Dick, aye; Goldeen, aye; and Parker-Kent, aye.

**PUBLIC COMMENTS** None

**1. Budget Testimony, 2010 Key Performance Measures & Complaint Statistics**

Douglas Dick testified before the legislature this month with Dave McTeague; according to Doug, "To Dave's credit there wasn't a question he could not answer." Regarding the budget and our ending cash balance –currently about a six-month balance, Dave feels this balance is appropriate for us considering our legal exposure we have on all these cases. If the ending cash balance gets too large, we may consider reducing the license fees by \$50. Our key performance measures are good; the complaints are moving through the process. Dave provided 2010 complaint statistics – 29 board actions and closed 24 cases No Statutory Violation and Insufficient Evidence. The total number of complaints went down in 2010. Dave also provided survey responses, but only 104 responses came in; we sent approximately 1450 emails asking folks to respond to the survey.

**2. ETSDP Committee Report: thyroid treatment/diagnosis**

Dr. Goldeen briefly summarized the Committee meeting. After some discussion someone said, "We shouldn't be dealing with this" and "why don't we just have a functional medicine group to deal with all this?" The committee agreed and promptly decided to "adopt" this statement: "This question (thyroid diagnosis and treatment ETSDP application) is not within the purview of this committee, but agrees that labs, lifestyle recommendations, and nutritional supplements are within the scope of chiropractic practice." The Board accepted the ETSDP's report – basically stating that treating thyroid problems is within the scope of chiropractic practice.

**3. Rules Advisory Committee report: Dry needling proposed rule**

Huma Pierce summarized the Rules Advisory Committee meeting. It was a successful meeting; everyone was on task and focused. The Committee's proposed rule language was provided to the Board for their approval. Ann Goldeen noticed there is no Informed Consent form (*today*) or a registry form. She suggested creating a packet. Dr. Fuchs was present and added that University of Western States already has a 12 hour program developed; so she asked if they can submit that to the Board for approval?

The board discussed only an Oregon-licensed DC may perform the dry needling. The result is the addition of subsection (2)(c). The following language will be submitted for permanent rulemaking (a hearing is scheduled):

811-015-0036 Dry Needling

Dry needling is within the chiropractic physician's scope of practice for the treatment of myofascial trigger points pursuant to ORS 684.010(2).

(1) Dry Needling is a technique used to evaluate and treat myofascial trigger points that uses a dry needle, without medication, that is inserted into a trigger point that has been identified by examination in accordance with OAR 811-015-0010 with the goal of releasing/inactivating the trigger points, relieving pain and/or improving function.

(2) A chiropractic physician licensed in Oregon who wishes to practice dry needling must

(a) Register with the Board on the form prescribed by the Board and,

(b) Provide proof of the basic Board approved course hour requirements before engaging in the practice of dry needling, and

(c) Perform all aspects of needle insertion and removal.

(3) In order to perform dry needling, chiropractic physicians must complete a minimum of 12 hours of education with practicum specific to dry needling within the curriculum of an accredited chiropractic college, or through post graduate continuing education on dry needling approved by the Oregon Board of Chiropractic Examiners.

(4) Chiropractic physicians must obtain a written Board approved informed consent from every patient treated with dry needling regarding the clinical purpose of dry needling and must state clearly that dry needling is not acupuncture.

Dr. Cote moved to accept the Rule Advisory Committee language as amended. Doug Dick seconded the motion. All in favor. Vissers, aye; McClure, aye; Cote, aye; Pierce, aye; Dick, aye; Goldeen, aye; and Parker-Kent, aye.

The Board briefly discussed meeting earlier than the scheduled May 19 meeting; The Board settled on a May 12, 2011 meeting change.

**Additional Discussion:** Some discussion about an Informed Consent form, and Dave directed members to the EMEBC chapter on Informed Consent. There was lengthy discussion at the time that was created. Add to May agenda a discussion about editing the current boundary rule.

#### **4. Legislative Report**

The session is moving fast and furious. SB 134, our bill to remove fee caps from statute, may not make it out of the Senate Health Committee. There's some sentiment that legislators want to make fee increase decisions, even though there's only two health boards that still have fee maximums in statute. HB 2495 is our bill to fix the Doctor's Title Act. We had a hearing before House Health Committee which understands our concerns. (*HB 2495 was voted out of committee on March 28, 2011*).

#### **5. Staff Report**

Topics were all discussed previously.

**2:50 PM      ADJOURN to Executive Session**