

## Siegfried, Guerrero Appointed to OBCE

**G**eorge Siegfried DC, from McMinnville, and Minga Guerrero DC, from Portland, are the two newest members of the Oregon Board of Chiropractic Examiners.

Dr. Siegfried has been in practice since 1983 and is a Western States graduate. He is past Legislative Co-Chair of the Oregon Doctors of Chiropractic and their immediate Past-President. In his application, Dr. Siegfried stated, "I believe this state agency has basically three missions to fulfill: to follow legislative intent, to protect the public and respect the Chiropractors it licenses.

The agency should strive to be efficient in its practices and procedures. It should strive to further the

profession in its service to the public. When questions arise, it should not be afraid to go to the Legislature, the body that gives it the power to exist."

Dr. Guerrero has been in practice since 1984 and is also a Western States graduate.



**SIEGFRIED**



**GUERRERO**

She served as a member of the OBCE Administrative Rules Advisory Committee for the last three years and recently assisted in the State Examinations update. In her

application, Dr. Guerrero stated, "I feel I have an objective eye for the problems of our profession. From what I've seen, I feel the vast ma-

majority of decisions the board members are called upon to make are made out of love of the profession and a desire to serve and protect the public. I'd like to hear first hand what's at the heart of the inter-professional complaints. I'd like to keep the heart of Chiropractic alive and well."

Drs. Siegfried and Guerrero attended their first board meetings on July 31 and September 18, 2003.

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## Change and Consistency

There are some big changes in the membership of the Oregon Board of Chiropractic Examiners (OBCE). See below.

### ● NEW OBCE MEMBERS

We are pleased to welcome two new members to the Oregon Board of Chiropractic Examiners, **Dr. George Siegfried** from

### President's Report Richard McCarthy, DC



**Dr. Minga Guerrero** from Portland. Their appointments were confirmed by the State Senate last July. (See front page.)

We are also pleased to announce that the State Senate has confirmed the reappointments of **Dr. Jim Wilkens** from Bend, public member and Portland attorney **Jim Hendry**, and me.

“There are currently two openings on the OBCE. One chiropractic physician position on the Oregon Board of Chiropractic Examiners is currently under consideration by the Governor for appointment. This position is currently held by Kathleen Galligan DC, who is completing her second term. Also, the public member position currently held by Jan Nelson from Crow (near Eugene) is under consideration by the Governor for appointment. She is completing her second term. Board terms are for three years. Women, people of color, and bilingual persons are encouraged to apply (SB 786).

A chiropractic physician or public person wishing to be considered should submit the Interest Form directly to the Governor's Executive Appointments office.

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## Oregon DCs Top 1100

There are now 1,114 Oregon chiropractic physicians with an Active license. Of those Active DCs there are 43 who are out-of-state, and another 13 who list their address just north of us in Vancouver to Camas, Washington. Another 352 have Inactive status.

Presently there are 594 Certified Chiropractic

Assistants. Another 150 are expected within the next year.

The profession continues to grow with 100 new DC applications since July 1, 2002. Since then 132 DC applicants have taken the state exams (some of those are retakers). On average, 100 successful candidates license in Oregon each year.

**BackTalk** is the official newsletter of the Oregon Board of Chiropractic Examiners. The Board usually meets every other month in the 1st floor conference room in the Morrow Crane Building, 3218 SE Pringle Road SE, Salem, Oregon. Call the Board office at 503-378-5816 for meeting times, directions or a map.

### Board Members

**Richard McCarthy, DC**  
President, Cottage Grove

**Jim Wilkens, DC**  
Vice President, Bend

**Minga Guerrero, DC**  
Secretary, Portland

**Kathleen Galligan, DC**  
Oregon City

**George Siegfried, DC**  
McMinnville

**James Hendry, AAL**  
public member, Portland

**Jan Nelson**  
public member, Crow

### Staff Directory

Telephone 503/378-5816

#### Dave McTeague

*Executive Director*  
Administration, Legal questions, Board issues, Practice questions

#### Kelly Bird

*Administrative Assistant*  
DC license renewal & information, CA certification, renewal & information, Continuing education, Practice questions

#### Michael Summers

*Investigator*  
Complaints, Investigations

#### Jane Billings

*Office Specialist II*  
DC applicants, Examinations, Peer Review, Contracts

#### Carol Rohde

*Office Specialist I*  
DC lists, Record requests, Meeting coordinator, License verifications

## President's Report

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The Executive Appointments Interest Form is available from the Governor's Appointment's Office, 900 Court St. NE, Room 160, Salem, Oregon 97301-4047, or by calling 503-378-3123, or from their web page at: <http://www.governor.state.or.us/forms/Interestform.doc>

### ● DEPARTING OBCE MEMBERS

On behalf of the profession and this board, we thank former board members Dr. **Charles Simpson** from Cornelius and Dr. **John Colwell** from Ashland for their years of service to the public on the OBCE.

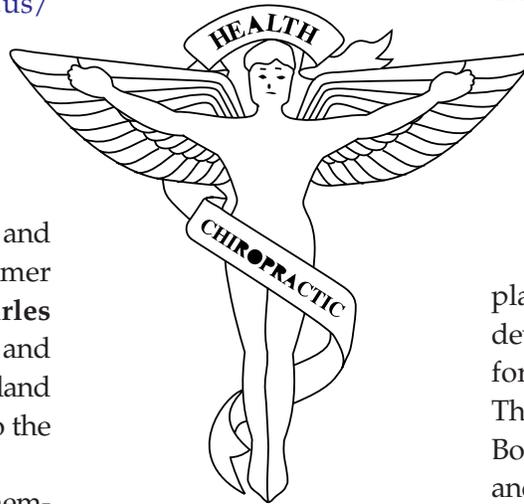
Our other public member, organic farmer **Jan Nelson** from Crow (West of Eugene) will be leaving the board as well, as she nears the end of her second three-year term. The Governor will likely appoint her replacement this fall.

With these changes in the membership on the Board, it's probably a good time to review some of the basics of the agency and how the OBCE actually works.

### ● BOARD BASICS

**Ownership.** The chiropractic profession exists in Oregon by law (ORS 684). The OBCE is obligated by that law to regulate and "otherwise govern the affairs" of the profession. In es-

sence the Board exists to protect the public's safety in the hands of licensed chiropractic physicians. We carry out this mission on behalf of the public. In this sense it is the public who "own" the Board. The



members of the OBCE are trustees of the public's interest. Board members are to act on the behalf of the Board's ownership, the public.

**Mission.** Since the early 1990's the Board has engaged its stakeholders in a strategic planning process that helps define what the Board is to accomplish. This public process has defined the mission of the OBCE:

**"...to protect and benefit the public health and safety, and promote quality in the chiropractic profession."**

The Board accomplishes this mission by careful licensing of Chiropractic Phy-

sicians and Certified Chiropractic Assistants and effective disciplining of licensees who fail to perform their duties to patients and the public.

**Values and Vision.** The mission statement also spells out the values to which the Board adheres. These values guide the Board as it carries out its mission. They are:  
**"... consistency, equity, honesty, responsibility and collaboration."**

The public strategic planning process has further developed a clear set of goals for the Board to accomplish. These are all available on the Board's web site. The Mission and Goals continue to be developed from discussions and consensus among the Board's stakeholders including licensed chiropractic physicians, chiropractic assistants, the public, patients and others, in a strategic planning process. The Board's Mission and Goals are a vision of what it is trying to achieve on behalf of the public.

**Accountability.** Unlike many other boards, the OBCE has a set of expectations for itself about what it is trying to accomplish, how it will function as an agency of the state and as a group of individuals, and how it will measure its performance in achieving its mission and

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**Dr. McCarthy (left) presents the OBCE's plaque of appreciation to Dr. John Colwell, outgoing OBCE board member.**

## President's Report

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goals. These shared expectations help the Board to be efficient in its work and consistent in its decisions regardless of who is occupying the board member seats at any given time.

### ● GOVERNANCE.

**Governance Policies.** With a well-defined mission and goals that tell the Board what it should be doing, the Board also developed an explicit set of guidelines about how it will go about doing it. Eight years ago with then-President Dr. Bob Hovenden, the Board developed a set of policies that define how the Board functions. These policies about OBCE Governance are published on the OBCE website at [www.obce.state.or.us](http://www.obce.state.or.us) in the OBCE Guide to Policy and Practice Questions (P&P Guide).

The policies talk about

how the board sets its agenda, how it makes decisions, what topics the board shall focus on and how the board goes about evaluating its performance.

### *Performance Monitoring.*

What is more important than the Board's Strategic Plan is that the Board has a built-in mechanism for continuously monitoring how well it is achieving the mission and goals. Each goal has a defined outcome that supports its mission. The Board regularly assesses its performance in reference to measurable outcomes and reports it in Board Public Meeting Minutes (also on the web site).

**Ends versus means.** The Board is careful to distinguish discussions about the goals it is trying to

achieve from topics that deal with the means to accomplish those goals. Our meeting agendas are focused on policy issues. Before any issue is discussed, the members ask, "What category of issue is this? The Board's job is to discover and articulate its vision for regulation of the chiropractic profession in this state. It is the Executive Director's job to develop the means to accomplish those ends.

This differentiation of ends (goals) and means has helped the Board to stay focused on the important challenges facing the OBCE and the chiropractic profession in creating a future in which Oregon's citizens will benefit from chiropractic care.

The P&P Guide also contains all past Board policy decisions about the many and varied questions that come from stakeholders. These record the Board's position on many issues. When a question or policy issue comes before the Board we can ask, "What is current Board policy on this issue? Does existing policy adequately address this issue?" If existing policy is good enough, no further discussion is needed. If current policy does not address the issue well enough, further discussion focused on policy development can proceed. In this manner the Board can be consistent in its statements and actions and efficient in identifying areas that need further discussion and policy making.

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# Policy & Practice Questions

## Leasing Agreements and Professional Referrals

In May of 2003, the Board reviewed the following question regarding business practices under a multiple discipline clinic setting. The following response from the OBCE is not in any way a legal opinion but only presents information about choices.

For a chiropractic physician who is leasing/renting office space, office personnel/billing services, that also leases/rents to other types of licensed professionals: Do "walk-in" patients requesting chiropractic services constitute a "referral" by the front desk person to that doctor? Answer: No.

New OBCE policy: In review of this question the Board explored whether a "referral" by a parent company or other health care provider constitutes fee splitting in percentage of gross lease arrangements (or percentage of pay arrangements). The Board received legal advice that it has broad authority to interpret the meaning of the fee

splitting rule (OAR 811-035-0015 (24)).

Therefore the Board has determined that a chiropractor or health professional who enters into a percentage of gross leasing arrangement, and who may refer patients or receive referrals from the other party, does not constitute "fee splitting" if the business agreement is entered into prior to any patient base and there is not a true commission or fee paid per patient back to the chiropractor or other health professional. This same logic also holds true for percentage of patient base rate of pay. (5/28/03)

## (Direct) Supervision of Clinic Staff

The OBCE was asked if clinic staff (chiropractic assistants) could provide therapies in a separate business space next door to the clinic. The OBCE responded that the chiropractic assistant or staff person who is supervised needs to be in the same office space (defined as the same building or space contiguous) as the supervising doctor. OAR 811-035-0001 states, "Direct supervision" means that the licensed Chiropractic

Physician is physically present in the clinic, is monitoring the activities of the supervisee in the clinic and is available to intervene, if necessary. (7/31/2003)

## Diversity in OBCE Strategic Plan

The OBCE Strategic Plan now includes the following two "Outcomes to Achieve": The Oregon chiropractic profession and governing bodies will reflect the ethnic and language diversity of the Oregon public and chiropractic patient base. The OBCE Affirmative Action Plan will address the goals of the State of Oregon Affirmative Action policy.

The Governor's Racial and Ethnic Health Task Force Report documented racial and ethnic health disparities in Oregon. While primarily targeting medical conditions, it is logical that these same issues cross over to health care provided by chiropractic physicians and other complementary health care providers.

In response, the Legislature took action to expand the role and responsibilities of all health professional regulatory boards with adoption of SB

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## Web Page Updates

The Educational Manual for Evidence-Based Chiropractic can now be found on the OBCE's Web page at [www.obce.state.or.us](http://www.obce.state.or.us). This includes helpful information about the basics of chiropractic and the Patient-Doctor Relationship. The updated version of the Oregon Guide to Policy & Practice Questions can be found under Hot Topics on the home page and the Laws and Rules page. The current

Oregon Revised Statutes Chapter 684 and Administrative Rules Chapter 811 pertaining to chiropractic will also be found under Laws & Rules. Proposed and recently adopted administrative rules are there too. Recent OBCE meeting minutes are found in the Public Notices section.

A *Licensee Lookup* feature will be added to the OBCE Web page in the near future.

## New Licensee Meetings

OBCE President Richard McCarthy and OBCE staff Assistant Kelly Bird met with nine new licensed Oregon DCs in Medford on June 26. Nearly 50 new Oregon DCs met with OBCE members Drs. McCarthy and Guerrero, Peer Review members K.C. Snellgrove and Joyce McClure, and OBCE staff Kelly Bird and Dave McTeague on September 25 in Portland.

Dr. McCarthy addressed the Mission, goals and organization of the OBCE, the

role of the OBCE vs. the roles of associations and other chiropractic stakeholders. McTeague addressed the Board's governing documents, Oregon laws, administrative rules, and the OBCE Policy & Practice Question Guide. Kelly Bird addressed the basics of licensure (CE, renewal, etc.). Under the "How to stay out of trouble with the Board" section, Dr. McCarthy addressed ethical and boundary issues and complaint statistics while Dr. Snellgrove addressed Peer Review issues.

## **Policy & Practice** CONTINUED FROM PAGE 5

786 in 2001. This established a statutory requirement for health professional regulatory boards to collect information regarding the ethnic and racial makeup, and language skills of licensees. It also mandated they "establish programs to increase representation of

people of color and bilingual people on the boards and in the professions they regulate."

The OBCE has a standing request to the profession and its organized entities, associations and colleges, for a partnership to address diversity needs.

## State Tests Updated

The OBCE recently completed updating the Oregon Specific Examination (OB-GYN, MS-PROC and Ethics-Jurisprudence) required for licensing in Oregon. The goal was to maximize quality and ensure the examination's accuracy, fairness and validity.

The March workshop evaluated the existing pool of test questions. Prior to this the Minor Surgery/Proctology pool of questions consisted of 206 questions. 35 questions were eliminated and 100 questions had changes made to them. The Obstetrics/Gynecology pool of questions consisted of 225 questions. 28 questions were eliminated and 86 questions had changes made to them. The Ethics/Jurisprudence pool of questions consisted of 141 questions. 5 questions were eliminated and 50 questions had changes made to them.

The June workshop consisted of the item writing of multiple-choice questions, with the emphasis on writing items requiring higher cognitive skills (e.g. application, interpretation, evaluation and problem solving) rather than simple note memorization. 265 questions were submitted for review. The doctors

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# Licensing and Continuing Education

by Kelly Bird

On behalf of the OBCE support staff, I can safely say

this was the smoothest renewal period in a long time. Considering the addition of a new renewal

form, the affidavit, and the change in the continuing education program, problems were few to non-existent. However, some doctors and chiropractic assistants unnecessarily sent in their certificates of continuing education or Evaluation forms in addition to their affidavit. (Staff returned all documentation to the DC or CCA.)

In addition, more on the positive side, the stacks of paper (sans CE) received here were easily half as high as previous years' since we implemented the affidavit in lieu of submission of the CE certificates. Also, during renewal, a lot of administrative tasks "take the back seat" to renewing the licenses. This year, though, with less paper to handle (date stamp, review, and file) everyone had more time to spend on other important tasks. Still later, when the OBCE requests and receives proof of CE credit, we will be handling only 10% of the volume that we have in past years.

Now here it is at least three months into the next license year. CAs and DCs have gone through one license period under the new CE rule. Is anyone willing

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OBCE President Richard McCarthy, CAO President Verne Saboe (standing) and former Western States President Bill Dallas talk with Albany/Corvallis area doctors, February 19, 2003.

## State Tests

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discarded 85 questions and made modifications to the majority of the remaining questions. Ultimately 180 new questions were added to the existing pools.

The OBCE thanks the many doctors who participated in this effort: Drs. Willard Bertrand, Darald Bolin, Roxanne Caron, Melinda Cator, Lee Cowan, Dan DeLapp, Thomas Dobson, Ralph Ezagui, Karen Fong, Tom Freedland, Donald Fox, Sharron Fuchs, Steven Gardner, Lorraine Ginter, Seth Goldstein, Minga Guerrero, Jonathan Hansel, Gregg

Helms, Usha Honeyman, Bob Hovenden, Patrick Iaboni, Craig Johnson, Sunny Kierstyn, Calvin Mang, Carolyn McCarton, Joyce McClure, Bonnie McDowell, Elizabeth Olsen, Christine Olshove, Don Peterson, Lisa Revell, Edward Rothman, David Saboe, Kim Schmaltz, Joan Schultze, Chuck Simpson, Janet Steward, Dan Yan, Susan Yazvac and Karen Hubbard RN. We also thank Gerald Rosen Ph.D. from Philadelphia, our national testing expert who guided this process to successful completion.

## BackTalk



The Nominal Panel met October 9, 2003 to work on the Record Keeping Chapter of the Educational Manual for Evidence-Based Chiropractic. Pictured are Drs. Don Peterson (back to camera), Bruce Pace, David Saboe, Tom Freedland, Christine Olshove, Kelly Bird (staff), Jim Bartley, Steve Sebers (facilitating), Verne Saboe, Ron LeFebvre, Sunny Kierstyn, Kevin Holzapfel, and John Noren.

## Licensing and Continuing Ed

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to give the OBCE staff and board some feedback? I know that some of you missed having the "one-stop shop" list and the security of pre-approved CE, but I hope that the majority of you enjoyed the liberty to attend education that was personally beneficial to you. From where I sit, I applaud the Board for adopting this rule. It's time saving, it's liberating, and I would like to hear you say it is the most professional approach. Please take a moment to share your thoughts with the board members or staff and send a brief note to [oregon.obce@state.or.us](mailto:oregon.obce@state.or.us).

Even with the

positive outcome seen so far, we do not yet know the full measure of success of the CE program changes. We will know more later this year after the Board completes the randomized selection of names, licensees respond and report, and the Board reviews the hours. It may be that some of you will give your feedback after this part of the process is complete.

Our computer consultant has programmed our database for the totally automated random selection of names. Once selected 10% of DCs and 10% of CCAs have, or will, receive a notice to submit their CE documentation. These

licensees will need to respond by a given 30-day deadline. The process will be a learning experience for both the profession and the Board, but it should be painless.

**Reporting your CE credit.** With the knowledge of the upcoming compliance check, now is a good time to review your CE file and make sure that you have BOTH verifications of completion/attendance for all education taken prior to July 31 2003, AND chiropractors (not CCAs) should have a completed OBCE Evaluation form for each continuing education instance. The Board intends that DCs use the form as a tool to self-assess their personal benefits of the continuing education they completed. Doctors may obtain copies of the Evaluation form from the OBCE's web site [www.obce.state.or.us](http://www.obce.state.or.us) under the FORMS link, or by calling the administrative office. Staff will snail-mail, email, or fax a copy to you. Be prepared to report your CE hours when the Board sends its written request.

**Future Changes.** In 2005, just over a year and a half from now, the license renewal will switch from an

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## BackTalk



Dr. McCarthy addresses a large group of new Portland, Oregon chiropractors at the OBCE's New Peer Review Committee chair and OBCE member Licensee meeting September 25, 2003 in Minga Guerrero DC.

## Licensing and Continuing Ed

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annual system to a birth month system. Chiropractors will renew under this new system. Two years ago, the Legislature asked the OBCE to research the possibility of switching to the birth month system. In that research we found that other (health related and small) Oregon boards swear by the birth date/month system; they would not return to a once-a-year renewal. For the OBCE administrative staff that means that we will be in a continual state of license renewal. We will be licensing 100-150 chiropractors a month. We expect this to increase our efficiency by evening out the work flow associated with license renewal.

What does changing to a birth month renewal

system mean for chiropractic physicians, or chiropractic assistants? There will be a transition period; it will begin during the June/July renewal in 2005. During the transition, license fees and continuing education credit will be PRORATED. A chart of those temporary fees and hours has been made a part of the adopted rule language. I suggest you review the prorated fees and hours now, so that you are mentally prepared by the time it comes due. The prorating will apply for periods as little as six months or as many as 17 months; the period depends on which month your birthday falls. There is no option to circumvent this transitional pro-rating.

For those of you, who will be renewing for the

longer period of 17 months for the proportionally higher fee, please remember that this is a ONE-TIME occurrence. In a practical sense, you are still submitting the same amount of money (and CE credit) for the right to practice whether it is for one year or one and one-half years.

Check out the birth month rule language on our web site or contact the administrative office at (503) 378-5816 to request that staff mail a copy to you. You will find that proposed language at: <http://www.obce.state.or.us/pdfs/BirthMonth-3OARs.pdf>

In closing, if you have a moment, please let the OBCE know how you feel we are doing our job.

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## BackTalk

### Licensing and Continuing Ed

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You may send a brief comment to the general email [Oregon.obce@state.or.us](mailto:Oregon.obce@state.or.us) or fax your comments to (503) 362-1260, or use regular US post and send to the address on this newsletter.

#### NEW DC LICENSEES

Shawn M. Arbor  
Randy A. Bell  
Christopher A. Brown  
Michael W. Buskohl  
Stephen C. Chan  
Brian S. Cho  
Seth A. Colner  
Scott B. Cooper  
Jeffrey E. Devine  
Mareechi Duvvuri  
Tarek S. Elsadek  
Shane E. Espinoza  
Damon D. Farrington  
Donna K. Fox  
Inge Freed  
William N. Henderson  
Brian D. Herren  
Russell J. Jackman  
William R. Jardine  
Christopher K. Kasprick  
"Edward" Sung J. Kimmi  
Dustin S. Kollar  
Daniel J. Lach  
Maryam Larki  
Randall H. Leavitt  
Scott R. Lenz  
Charles M. Logan  
Melanie B. Mamola  
Dale R. Marcum  
John D. Michaux

Richard A. Morales  
Megumi Nojima N.  
Moskowitz  
R. Clark Pitcairn  
Kevin J. Plummer  
Kris Pollack  
Wesley F. Poon  
Bradley V. Ready  
Gregory W. Reneau  
John R. Robinson  
Lee N. Samler  
Adam W. Sarnoski  
Christopher D. Schlenger  
Tyge B. Shelby  
Carol J. Stoutland  
Samantha E. Stuart  
Scott R. Swanson  
Lynndy D. Thauberger  
Amy L. Watson  
Gregory H. Weidlich

New DC Licensees between January 8, 2003 and October 22, 2003.

#### Peer Review Committee

This is an opportunity to serve your profession. Applications are being accepted for open positions on the Peer Review Committee. The Peer Review Committee assists the OBCE in conducting investigations. Some report writing is required. The committee meets on 2nd Thursdays at the OBCE office in Salem about six times a year.

Doctors must be in practice over five years. To apply, send a letter of interest with vitae to the OBCE.

#### Complaint backlog reduced

From a high of 98 open complaint files in 2001, we have been successful in reducing our open complaints to 34 (as of October 22, 2003). Some of these are telephone complaints where we have yet to receive enough information to proceed. However, we are just as busy with investigations as ever with fewer cases taking more time. Also, the OBCE faces the expense of conducting several contested case hearings in the near future. The best news is that the number of boundary complaints has fallen. We hope this is a trend. We are seeing more cases of doctors and applicants with a substance abuse history. We hope this is not a trend.

# OBCE Public Protection Update

Final and Proposed actions June 10, 2003 to October 14, 2003

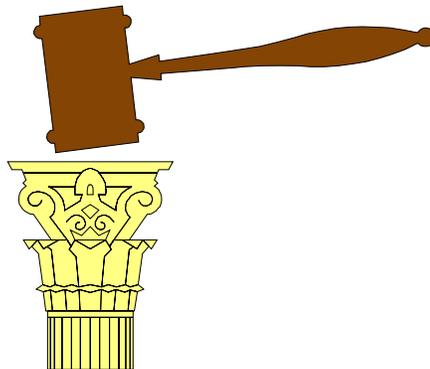
## Final Actions

Tracy Nobiletti, Certified Chiropractic Assistant, Condition on License. Under the provisions of ORS 684.100 (1)(d) and ORS 670.280, licensee must disclose conviction history to any and all prospective chiropractic employers. (8/4/2003)

Kevin Phillips DC, Letter of Concern, for unlicensed practice of chiropractic prior to becoming licensed. Violations of ORS 684.020, ORS 684.100 (1)(g), ORS 684.100 (1)(q) and OAR 811-035-0015 (14). (8/13/2003)

James Dacey III DC, new Stipulated Final Order, new five-year probation & conditions on license. On April 10, 2002, Licensee signed the previous Stipulated Final Order requiring Licensee to enter into treatment specializing in professional impairment

(related to boundaries and substance abuse), that Licensee submit to random urine or blood specimen testing for a period of seven years, and as a condition of a five-year probation have a chaperone when treating female patients. In random samples taken from Licensee pursuant to the Stipulated Order, Licensee tested positive



for Alcohol on April 3, 2003 and positive for Cocaine on April 18, 2003. In an interview with the Oregon Board of Chiropractic Examiners, Licensee admitted to use of cocaine on one occasion and alcohol on other occasions. Violations of OAR 811-035-0015 (23) were cited for disobeying a Board Order. All

requirements of the previous Stipulated Final Order begin anew as of 9/2/2003. Frequency of random urine or blood specimen testing increased to 36 per year. Licensee agrees not to use any alcohol or drugs other than as follows: a) as legally prescribed to Licensee and then only after a copy of the applicable prescription is delivered to and received by the Board; b) legal non-prescription medication as directed; or c) as legally administered to Licensee in a medical emergency. (9/2/2003)

Ross Fitzgerald, Certified Chiropractic Assistant, Condition on License. Under the provisions of ORS 684.100 (1)(d) and ORS 670.280, licensee must disclose conviction history to any and all prospective chiropractic employers. (10/4/2003)

Miki Cornilles, Certified Chiropractic Assistant, Condition on

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## BackTalk



Rules Advisory Committee meeting, February 13, 2003. Left to right: Craig Johnson DC, Michael Smith attorney (Gatti & Gatti), Dave McTeague OBCE Ex. Dir., and David Buchanan, lay member.

## Public Protection Update

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License. Under the provisions of ORS 684.100 (1)(d) and ORS 670.280, licensee must disclose conviction history to any and all prospective chiropractic employers. (10/16/2003)

### New Actions

Case # 2003-5008, Proposed Suspension of License for failure to pay State of Oregon taxes. Violations of ORS 305.385(4)(c). This statute requires the OBCE to begin proceedings for suspension upon request from the Oregon Department of Revenue. (8/5/2003)

Case # 2003-3006, Proposed Suspension of

License for failure to release records and failure to cooperate with an investigation by the OBCE. Violations of OAR 811-035-0015 (19), OAR 811-015-0006 (1) and ORS 684.100 (1)(t). (8/7/2003)

Case # 2003-5003, Proposed Denial of Certified Chiropractic Assistant application for alleged misrepresentations on application and for unprofessional conduct related to revocation of applicant's Oregon chiropractic license in 1990. (9/4/2003)

Case # 2003-5013, Proposed Denial of Application for license to

practice chiropractic for violations of ORS 684.100 (1)(d), ORS 684.040 (2)(a), OAR 811-010-0080 (13) , and OAR 811-035-0015. Applicant has a conviction in another state which resulted in the surrender of his chiropractic license. (10-6-2003)

### Dismissed Complaints

During this reporting period the OBCE made a determination of no statutory violation (N.S.V.) on four cases, insufficient evidence (I.E.) on twenty cases, case closed on three cases.

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In all orders, the Board proposes to recover costs associated with the disciplinary proceeding as allowed by ORS 684.100(9)(g). Names of doctors receiving proposed orders of discipline are not published until final action is taken with the exception of proposed orders involving sexual misconduct.

# NBCE Announces New Ethics and Boundaries Examination

**A** new National Board of Chiropractic Examiners (NBCE) Ethics & Boundaries Examination will be available for use by state licensing boards beginning in March 2004.

According to NBCE's Paul Townsend DC, "This is not envisioned as a pre-licensure examination, and only doctors that are licensed or have previously held a chiropractic license will be eligible to take the test. This test will provide state chiropractic licensing boards with an accurate measurement of test takers' knowledge of ethics and boundaries issues as they relate to chiropractic practice."

The examination consists of 100 true-false and multiple-choice items. Fifty questions address ethics issues, including doctor's duties, office procedures, unprofessional and unethical conduct. Fifty questions



address boundaries issues, including sexual misconduct and sexual harassment.

Doctors may be asked to take this test for a variety of reasons, including but not limited to, conditions of probation, other disciplinary action or competency evaluations. The recommended

passing score will be 375, which will be 75% correct out of 100 questions.

In a recent survey the OBCE was one of 33 states who indicated a NBCE Ethics & Boundaries Examination would be a useful tool. This is on the OBCE's November 20th meeting agenda for further discussion.

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*"This test will provide state chiropractic licensing boards with an accurate measurement of test takers' knowledge of ethics and boundaries issues as they relate to chiropractic practice."*

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## BackTalk



September 18, 2003 OBCE meeting, (clockwise) Jan Nelson (public member), Dr. George Siegfried, Kelly Bird, Dave McTeague, Drs. Richard McCarthy, Kathleen Galligan, Jim Wilkens, Jim Hendry (public member), Dr. Minga Guerrero, Michael Summers (Investigator) and Robin McGinnity (Assistant Attorney General).

# Galligan Appointed to CCE's Commission on Accreditation

**K**athleen Galligan DC, OBCE board member, was appointed to the Commission on Accreditation (COA) in June 2003 for a three-year term by the Council on Chiropractic Education (CCE) Board of Directors. The COA meets twice per year for two to three days.

The Council on Chiropractic Education (CCE) is the organization recognized by the US Department of Education charged with accreditation of Doctor of Chiropractic Degree Programs (DCPs), educational improvement of DCPs and providing public information regarding chiropractic education. The Board of

Directors of the CCE is made up of 13 individuals representing CCE programs, currently practicing doctors of chiropractic and the general public. It is charged with developing standards for chiropractic educational programs and



monitoring the validity and reliability of the accreditation criteria and process.

The Commission on Accreditation (COA) is a body of 11 members drawn from accredited programs, practicing

doctors of chiropractic and the general public. The job of the COA is to evaluate information provided by/about accredited programs and make decisions regarding the accreditation status of the DCP.

A third important component of the CCE is a pool of professionals trained to complete site visits of the accredited programs. These professionals come from

the degree programs, the field and the general public and undergo a training program presented by the CCE/COA. The job of site team members is to visit a program, evaluate what they see and prepare a report for the COA

## BackTalk



Test workshop participants Drs. Minga Guerrero, Sunny Kierstyn, Elizabeth Olsen, Carolyn McCarton and Dan Yan (back to camera) review OB-GYN test questions in the OBCE's break room.



Day 1 of the Test Update Workshops. March 6, 2003, (clockwise): Drs. Don Fox, Joan Schultz, Christine Olshove, Steven Gardner, Sunny Kierstyn, Craig Johnson, Dan Yan, Carolyn McCarton, Bob Hovenden, Sharron Fuchs, Gerald Rosen Ph.D. (standing), Susan Yazvac, Calvin Mang, Elizabeth Olsen, Tom Dobson, Lee Cowan, Usha Honeyman, Ralph Ezagui, and Gregg Helms.

## Galligan on CCE commission

### CONTINUED FROM PAGE 14

comparing what was seen/evaluated to the standards. The COA uses this information in making its decisions regarding accreditation status of the DCP.

Dr. Galligan has also participated in three chiropractic college site visits. "Each time we have been welcomed and have had very positive experiences with the staff,

administrations and the students. We all look at everything, but spend the bulk of our time in our areas of expertise. The team produces a report that all must agree on, and then the college gets to comment before the final report goes to the COA."

Presently, there is no one from Oregon on the CCE Board. The COA has

three Oregon members. In addition to Dr. Galligan, Dr. Lester Lamm is the current Vice Chair of the Commission. Dr. Joe Brimhall is the Past Chairman, although since becoming the President of Western States Chiropractic College he is not involved in any decision making regarding any DCPs and serves as an advisor for policy and procedure issues.

## BackTalk



**Dr. Don Ferrante, CAO Board member, addresses May OBCE meeting.**

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### **BackTalk**

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