

September 17, 1997

Nancy Ellison
Oregon Insurance Division
Labor & Industries Building
350 Winter St. NE, Rm 440-1
Salem, Oregon 97310

Dear Ms. Ellison,

Apparently the Oregon Insurance Division rendered an administrative ruling as to the definition of "licensed physician" which excludes chiropractic in 1995 or 1996. This is indicated by the enclosed correspondence from Farmers Insurance Group.

If this is the case, then I would request a copy of the decision, all relevant public testimony and correspondence, and any minutes and tapes of any administrative hearings regarding this.

Thank you for your prompt attention to this request.

Sincerely,



Dave McTeague
Executive Director

enclosures



3218 Pringle Rd SE
Ste 150
Salem, OR 97302-6311
(503) 378-5816

OFFICE
RECORDED




Oregon

John A. Kitzhaber, M.D., Governor

Department of Consumer and Business Services

Insurance Division, Consumer Protection Section

350 Winter St. NE, Room 440-2

Salem, OR 97310

(503) 947-7982

FAX (503) 378-4351

TTY (503) 947-7980

<http://www.cbs.state.or.us>

October 7, 1997

RECEIVED

OCT 08 1997

Oregon Board of
Chiropractic Examiners

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners
3218 Pringle R. SE Ste 150
Salem, Or. 97302-6311

Dear Mr. McTeague:

Insurance Division Administrator Nancy Ellison has asked me to respond to your letter of September 17, 1997.

First, let me assure you the Insurance Division did not, to my knowledge, issue any ruling defining "licensed physician".

The specific issue is this:

The licensing statutes for Physical Therapists, ORS 688.132 (2) states under what conditions Personal Injury Protection Benefits (PIP) are not required to be paid. It lists who may refer a patient to a licensed physical therapist to be eligible for payment of PIP benefits. It does not specifically list "chiropractic physician".

Farmers Insurance Group has taken the position that PIP does not have to reimburse for physical therapy when the referral comes from a chiropractor.

The Insurance Division initially took an opposing viewpoint, however after conducting some research we withdrew our opposition.

I'm happy to include a copy of our research on this subject.

Sincerely,

Larry Culbertson
Senior Compliance Officer
(503) 947-7240
E-mail: larry.p.culbertson@state.or.us
lpc489

cc: Nancy Ellison

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FARMERS INSURANCE GROUP

OF COMPANIES

May 31, 1996

PORTLAND BRANCH CLAIMS OFFICE
8220 N. Interstate Ave.
Portland, OR 97217
(503)283-0565
Fax (503)283-2620

Our Insured:
Date of Loss:
Claim Number:
Patient:

Dear Ms.

Your Personal Injury Protection (PIP) will cover only reasonable and necessary medical expenses. Under the PIP coverage, we are unable to pay for any physical therapy ordered by a chiropractor. As outlined in ORS 688.132, it provides that PIP benefits are not required to pay for physical therapy treatment unless the person is referred to the physical therapist "by a licensed physician, podiatric physician and surgeon, dentist, physician's assistant or nurse practitioner." Under ORS 677.010, Section (12), "Physician" means any person who holds a degree of Doctor or Medicine or Doctor of Osteopathy".

Based on the referral, we are denying payment for the billings from Providence Medical Center as the treatment was ordered by Paula Conklin, DC, who does not fit the definition of a "licensed physician". Please contact a "licensed physician" to make any necessary physical therapy referrals for you.

If you have any questions, please feel free to contact me at 503-240-6515.

Sincerely,

FARMERS INSURANCE CO. OF OREGON

Sherri Williams
Sr. Claims Analyst
503-240-6515

Rick Silva, CPCU, GCA
Branch Claims Manager

cc: Paula Conklin, DC/



RETHWILL CHIROPRACTIC CLINIC

October 15, 1997

Oregon Board of Chiropractic Examiners
3218 Pringle Road SE Suite 150
Salem, Oregon 97302-6311

RECEIVED

OCT 16 1997

Oregon Board of
Chiropractic Examiners

Dear Board:

Going through some files I noted the enclosed response from Farmers Insurance Company regarding referrals for physical therapy by chiropractors. I thought I would direct it to the Board for clarification.

As stated in the letter,

'PIP benefits "are not required to be paid for physical therapy treatment. . . . unless the person is referred to the Physical Therapist by a *licensed physician*, podiatrist, dentist, physicians assistant or nurse practitioner."
(Emphasis mine)

The above "*licensed physician*" does not clarify specifically between MDs, DCs, or DOs. Are chiropractors not recognized by the State of Oregon as licensed physicians? If so, are insurance companies allowed to use their own definitions or to use their own classification system? I understand that insurance companies are differentiating between "primary care physicians", which attempt to exclude chiropractors. Does the above statement in quotations fall under this "PCP" definition?

Please let me know what the Board understands and where the Board stands in regards to the above. Thank you for your time and consideration on this matter.

Sincerely,

Kurt V. Rethwill, D.C.
KVR:jdt

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FARMERS INSURANCE GROUP

OF COMPANIES

March 9, 1997

EUGENE BRANCH CLAIMS OFFICE
1040 Gateway Loop
P.O. Box 7488
Eugene OR 97401
(541) 726-4040

Rethwill Chiropractic Clinic
1445 SE Pine St.
Roseburg, OR 97470

Re: Our Insured : [REDACTED]
Date of Loss : 11/11/96
Claim No. : [REDACTED]
Your Patient : [REDACTED]

Dear Dr. Rethwill:

This letter is to notify you that we will be unable to consider any payments for physical therapy that you have referred the above patient to, as according to ORS 2549, PIP benefits "are not required to be paid for physical therapy treatment.....unless the person is referred to the Physical Therapist by a licensed physician, podiatrist, dentist, physicians assistant or nurse practitioner."

By copy of this letter we are notifying the insured, and medical provider of the above information.

Sincerely,

FARMERS INSURANCE COMPANY OF OREGON


Mary Glass
Claims Analyst

c.c. [REDACTED]
Columbia Douglas Medical Center

July 31, 1996

Paula Conklin, D.C.
4040 NE Fremont
Portland, Oregon 97212

OREGON
BOARD OF
CHIROPRACTIC
EXAMINERS

Dear Dr. Conklin,

Thank you for FAX of June 28th regarding Farmers Insurance Company's refusal to recognize you as a physician who can make referrals to physical therapists.

It is truly unfortunate that this company would take such an attitude.

Clearly licensed chiropractors in Oregon are recognized as physicians. Specifically:

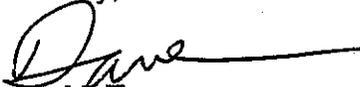
Oregon Revised Statute 684.010 states: "Chiropractic Physicians" means a person licensed by ORS 677.060, 684.025, 684.100, 684.155, 688.010, 688.030, 688.125, and this section as an attending physician.

Oregon Revised Statute 676.110 (2) (Doctor's Title Act) says any person licensed to practice chiropractic may be termed a "chiropractic physician."

However the Farmer's position is even more untenable in light of Oregon Revised Statute 688.130 (1)(b) which provides that a chiropractic physician licensed under ORS Chapter 684 is authorized to refer a patient to a physical therapist.

We hope that Farmers Insurance Company will reevaluate their position.

Sincerely,


Dave McTeague
Executive Director

enclosure

CC: Farmers Insurance Company



3218 Pringle Rd SE
Ste 150
Salem, OR 97302-6311
(503) 378-5816



FARMERS INSURANCE GROUP

OF COMPANIES

August 8, 1996

PORTLAND BRANCH CLAIMS OFFICE
8220 N. Interstate Ave.
Portland, OR 97217
(503) 283-0565
Fax (503) 283-2620

Dave McTeague
Oregon Board of Chiropractic Examiners
3218 Pringle Rd. SE, Suite 150
Salem, OR 97302-6311

Our Insured :
Policy Number :
Loss Date :
Patient :

Dear Dave McTeague:

I'm writing you in reference to a letter you directed to Paula Conklin, D.C. dated July 31, 1996. Also attached is a letter directed to : who is the patient involved in this case. Although your position is well outlined in your correspondence, I would have to disagree with your interpretation of the applicable statutes involved here. Our position has been upheld by various judicial and arbitration decisions as well as by the Oregon Department of Insurance. Based on these decisions we will continue to deny payment of billings for treatment ordered by chiropractors for physical therapy as they do not fit the definition of a "licensed physician". Thanks for your consideration in this matter.

Sincerely,

FARMERS INSURANCE COMPANY OF OREGON

Rick Silva, CPCU, GCA
Branch Claims Manager
(503) 240-6503

RS:ki
sreed