



Oregon

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Oregon Board of Chiropractic Examiners

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PUBLIC NOTICE

Oregon Board of Chiropractic Examiners (OBCE)

Public Notice & Update

February 5, 2014

OBCE Telephone Meeting (Monday) February 24, 2014, 9:30 a.m.

ETSDP Committee Meeting (Tuesday) March 4, 2014, 2:00 to 4:00 p.m.

Rules Advisory Committee (Thursday) March 13, 2014, 9:30 a.m. to 11:30 a.m.

OBCE Regular Board Meeting (Monday) March 17, 2014

Plus,

Peer Review Meetings & Peer Review applications accepted

Oregon Patient Safety Commission, Webinar (2/20/14) announcement

Continuing Education Update

New Administrative Rule Adopted, Clinic Ownership Responsibility

Board Meeting – February 24, 2014, 9:30 a.m. -- Executive Director recruitment process

The Oregon Board of Chiropractic Examiners (OBCE) will hold a telephone meeting on February 24, 2014, 9:30 a.m., Public Session. The chief order of business will be:

Presentation by Twyla Lawson, DAS, Chief Human Resources Office, SR. HR Consultant

Executive Director Recruitment information and discussion (1 hr)

Pursuant to ORS 192.660 the Board will review and adopt hiring standards, criteria and policy directives.

The public will have the opportunity to comment at the end of this discussion.

Additional information regarding this discussion and any other updates to the agenda will be posted on the OBCE Web page prior to the meeting. www.oregon.gov/obce

Public telephone access to this meeting is at: (toll-free) 888-398-2342, Participant code: 331176#

All, I will be leaving as your Executive Director this July after 18 years, and moving on to other endeavors. It's been a great privilege to work with so many fine doctors and dedicated people. *Dave McTeague*

ETSDP Committee, Tuesday, March 4th, 2:00 to 4:00 p.m.

(Examinations, Tests, Substances, Devices, And Procedures)

Review of petition for Chiropractic Functional Neurology procedures/protocols and related issues

The ETSDP committee will meet at the Wilsonville Public Library meeting room; 8200 SW Wilsonville Rd (Directions: I-5 Exit 283, Head East on Wilsonville Rd, Travel four tenths of a mile; site is on the right). A copy of the petition and the ETSDP application process & rule is posted on the web site at: <http://www.oregon.gov/OBCE/Pages/ETSDP.aspx>

The OBCE will review the committee's recommendations at their March 17th meeting. This is a public meeting and any person may attend. Public comment on this issue may be sent to oregon.obce@state.or.us, or faxed to 503 362-1260.

Rules Advisory Committee Meeting, March 13, 2014, 9:30 a.m. to 11:30 a.m.

Where: Wilsonville Public Library meeting room: 8200 SW Wilsonville Rd
(Directions: I-5 Exit 283, East on Wilsonville Rd, .4 miles on right)

The OBCE has opened up discussion on the following three rule topics. At present any rule drafts are very much just that, drafts. The Rules Committee is asked to discuss these and propose changes. This is a public meeting and any person may attend. Public comment on these issues may be sent to oregon.obce@state.or.us, or faxed to 503 362-1260.

- **Record keeping rule, OAR 811-015-0005.** The OBCE has voted to enter into permanent rulemaking for the purpose of making the minimum requirements for clinical record keeping more explicit. Currently, the Nevada rule language and checklist provides a template for the initial discussion. The Rules Advisory Committee will meet to develop a proposed rule amendment for the Board's consideration. Public comment is now open and encouraged. A public hearing before the OBCE will be held at their March 17th meeting.
- **Chiropractic Professional Corporation and Business Entity Majority Ownership, OAR 811-010-0120.** The OBCE has voted to enter into permanent rulemaking for the purpose of addressing clinic ownership arrangements which appear to be flouting the intent of this rule. The Rules Advisory Committee will meet to develop a proposed rule amendment for the Board's consideration. Public comment is now open and encouraged. A public hearing before the OBCE will be held at their March 17th meeting.
- **Chiropractic Assistants, OAR 811-010-0110.** The OBCE has voted to enter into permanent rulemaking for the purpose of addressing concerns with the CA program, including 1) CAs taking vitals (versus recording them), and 2) CAs who lack sufficient training performing massage; and related scope of practice issues. There is also discussion of a "super CA" certification that could perform some additional functions. There is no specific draft proposal at this date.

The OBCE may or may not have specific proposed drafts for each of the subjects. The Rules Advisory Committee may produce a working draft for the Board's review and public hearing. This will be a first public hearing for all of the proposed rules or rule discussions.

The formal hearing notice and statements of need and fiscal impact are posted on our website [Home Page](#) under What's Happening - Public Notices .

Regular Board Meeting – March 17, 2014, 8:30 a.m. AND Public Hearing on Proposed Rules, 9:00 a.m.

The Oregon Board of Chiropractic Examiners (OBCE) will hold a regular business meeting on **Monday, March 17, 2014** at the Morrow Crane Building, 2nd floor Large Conference Room, 3218 Pringle Rd. SE, Salem.

The Public Session will begin at 8:30 a.m. Agenda items will include reports from the above two committees. A public hearing on the above mentioned rule issues will be held at 9:00 a.m.

Executive Session will begin at 10:30 a.m. or following Public Session. The Board will convene in Executive Session to review health professional license investigations (ORS 192.660(2)(j)), contested cases and receive legal advice (ORS 192.660(2)(h)). The Board will return to Public Session to vote on “In The Matters Of.” The OBCE public agenda will be posted on the OBCE Web page two weeks prior to the meeting.

www.oregon.gov/obce

Peer Review Committee

The OBCE’s Peer Review Committee next meets in executive session on February 13, 2014, and March 13, 2014, and subsequent 2nd Thursdays of each month. Currently there are two openings for alternative members on this committee. Alternates may vote when another member is unable to attend or participate, and the alternate moves up to being a regular member when there is a vacancy. Applications must be a letter of interest and a vitae sent to the Board. The OBCE usually interviews applicants in person at their meeting.

OBCE Meeting Minutes

Minutes of OBCE meetings are available on the OBCE’s Web page; go to www.oregon.gov/obce under Public Meeting Minutes (right-hand menu).

Continuing Education Update

All but 10 DCs have provide proof of completion of the 6 hours record keeping requirement for calendar year 2013. There is no specific CE requirement for calendar year 2014. There will be an audit of 15% of all licensees for CE compliance for the regular hours. Doctors and CAs should remember to keep their CE certificates to document course taken.



Early Discussion and Resolution: Charting a Course - Your questions and input are needed!

Webinar: February 20, 11am-12pm

Early Discussion and Resolution is a voluntary process for healthcare providers and patients to have an open conversation when a patient unexpectedly experiences serious physical injury or death as a result of their medical care rather than their illness. Early Discussion and Resolution was created by [Senate Bill 483](#), which was signed into Oregon law in 2013 and becomes effective on July 1, 2014 .

Chiropractors are specifically named in the law and are encouraged to participate in this voluntary process. The Oregon Patient Safety Commission invites all Oregon chiropractors to join an upcoming webinar to learn about the opportunities presented by Early Discussion and Resolution and provide input into how Early Discussion and Resolution is implemented in Oregon.

Please share this invitation with your licensees and anyone else who may be interested.

[REGISTER NOW >>](#)

Questions can be directed to Melissa Parkerton at 503-224-5034 or melissa.parkerton@oregonpatientsafety.org.

New Administrative Rule Adopted, Clinic Ownership Responsibility

The OBCE adopted this rule after three public hearings and public comment.

OAR 811-035-0015

... (25) Chiropractic physicians holding an ownership interest as described in OAR 811-010-0120 may be held responsible, entirely or in part, for supervised staff (listed below) who provide patient services. This includes a responsibility to render adequate supervision, management and training of ancillary staff or other persons including, but not limited to, chiropractic physicians, student interns, chiropractic assistants and/or others practicing under the licensee's supervision. Chiropractors with supervised staff may be held responsible, entirely or in part, for undue influence on staff or a restriction of a supervised chiropractic physician from using their own clinical judgment.

The OBCE also adopted the following policy statement to help clarify the intent of this new rule:

Clinic Ownership Responsibility Rule, Policy and Intent statement:

The purpose of OAR 811-035-0015 (25) is to hold chiropractic clinic owners broadly responsible for the overall conduct of their clinic or clinics. This responsibility is already inherent in ORS 684.100 1) f) A) & B), but more explicitly defined with this rule and policy. For example if the licensee owner's clinics have engaged in a consistent pattern of excessive treatment, that licensee would be in violation of this and other rules. Clinics that have only 'on the job' training, no written policies or procedures, and no process for ensuring patient safety and continuity of care when multiple doctors treat the same patient would be indicators of inadequate supervision. To the extent the licensee owner has fulfilled his/her fiduciary responsibilities for supervising and training a multi clinic practice or an individual clinic, that is an affirmative defense in the event an individual employee commits a violation of law or rule. This rule does not apply to chiropractic colleges as they are not described in OAR 811-010-0120. The Board can address specific questions as they come up: (such as)

Question: Owner doctor advises and orders the employee doctor to follow the OBCE rules and guides per OAR 811-010-0120, and the employee doctor fails due to "poor judgment" or other "human errors", what criteria does the owner doctor need to follow in order to prove that appropriate training has been implemented, and the owner doctor's burden has been met in order to comply with ORS: 811-010-0125?

Answer: Specific actions such as memos, emails, personnel file entries, continuing education, other training, clinic policies communicated; remedial actions, would all be indications that the owner doctor is providing adequate supervision. Whether the owner doctor has met the requirements of the rule would be a situation specific determination.

Question: Are owner doctors not held responsible for independent contractors working in their office but not operating under the owner's license?

Answer: Yes, but only to the extent that they are "...part of their chiropractic practice for the purpose of providing care to patients..." as per OAR 811-010-0130 Other Licensed Health Care Providers

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For more information contact the OBCE at 503-378-5816, email oregon.obce@state.or.us, fax 503 362-1260. The OBCE website is: <http://www.oregon.gov/obce>