

To: Public Notice Mailing List

**Oregon Board of Chiropractic Examiners (OBCE)**

**Public Notice & Update**

October 8, 2013

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- License fees change on November 1<sup>st</sup>; CA Renewal Changes
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*The mission of the Oregon Board of Chiropractic Examiners is to protect and benefit the public health and safety, and promote quality in the chiropractic profession.*

**President's Report, Daniel Cote DC**

Doctors, all,

We're working hard to address the public protection issues that face our profession. (See our Mission above.) Last week we read through the results of our OBCE Key Issues Survey and the hundreds of frank, candid, sometimes critical and even humorous comments; thanks to the 522 respondents! You're welcome to review those; the links are below.

One thing we learned from this survey is that there is still some misunderstanding about the role of the OBCE relative to the role the Oregon Chiropractic Association. While the OBCE tries to be supportive of the profession, our role is primarily to protect the public; we want to remind all that it takes a strong state association to advocate for the chiropractic profession's professional and economic interests.

Another issue we're addressing is minimal competency for chart notes and record keeping and how do we define that? We're asking if our administrative rules are clear enough?

Also doctors, please remember the 2013 requirement for Record Keeping/Clinical Documentation CE. This is intended to help the profession identify important components of record keeping and coding practices. This will help many improve their reimbursement time from the insurance industry for services rendered. The Board has approved some excellent courses for this purpose. The link to this list is provided below.

Lastly, I want to remind all that the board is always available to answer your questions, you can email any of us, call or even ask to meet us in person. (I prefer caramel lattes!) Our work is difficult and we would much prefer educate then correct, in that sense we are working for all of the Chiropractors in Oregon.

Thank you and good health,

Daniel Cote DC

### **Judge Issues Preliminary Injunction for Unlicensed Practice of Chiropractic**

Klamath Falls resident Christopher McCutcheon has been told to stop practicing chiropractic health care by Circuit Court Judge Robert F. Nichols. His September 25<sup>th</sup> order follows appearances on August 16<sup>th</sup> before the Judge by Mr. McCutcheon, the Oregon Board of Chiropractic Examiners (OBCE) legal counsel and OBCE board member Dr. Christine Robinson, a Medford chiropractic physician. Link to Press Release and Order:

[http://www.oregon.gov/OBCE/Press\\_Releases/McCutcheon\\_Press\\_Rel\\_100213.pdf](http://www.oregon.gov/OBCE/Press_Releases/McCutcheon_Press_Rel_100213.pdf)

### **Board Issues Emergency Suspension of Chiropractic License**

The Oregon Board of Chiropractic Examiners (OBCE) has issued an Emergency Suspension of the chiropractic license of Adam Lopez DC, who practices in Warrenton, Oregon. The Board determined to issue the Emergency Suspension to protect the public and other patients due to numerous reports of inappropriate behavior from multiple female patients, including text messages indicating improper contact with a female patient. In addition, without being able to get further information from the doctor (who declined a board interview) while the criminal case is pending, the Board determined to provide this additional protection. Finally, this is an individual who was previously sanctioned for inappropriate contact with a patient. The Board intends this suspension to remain in place pending the criminal case and additional investigation. They will revisit this case at a future meeting. Link to Press Release:

[http://www.oregon.gov/OBCE/Press\\_Releases/Lopez\\_Press\\_Rel\\_and\\_Order\\_.pdf](http://www.oregon.gov/OBCE/Press_Releases/Lopez_Press_Rel_and_Order_.pdf)

**OBCE Rules Advisory Committee:** Thursday, October 31, 2013, 9:30 to 11:30 a.m., at the Wilsonville Holiday Inn (Exit 286 off I-5). The current agenda is to address the two proposed rules:

1. Amendments to the records rule regarding file reviews: [http://www.oregon.gov/OBCE/pdfs/Re-Hear\\_Records\\_Paper\\_Review\\_retention.pdf](http://www.oregon.gov/OBCE/pdfs/Re-Hear_Records_Paper_Review_retention.pdf) and
2. "Clinic Owner Responsibility" proposed rule: [http://www.oregon.gov/OBCE/pdfs/Re-Hear\\_Master-of-the-Ship\\_Proposal.pdf](http://www.oregon.gov/OBCE/pdfs/Re-Hear_Master-of-the-Ship_Proposal.pdf) The Draft 1 language is concept at this point. The committee may also review Montana's rule under Unprofessional Conduct: "24.126.2301 UNPROFESSIONAL CONDUCT - (p) failing to render adequate supervision, management, training, or control of auxiliary staff or other persons, including preceptors, temporary permit holders, and/or licensees practicing under the licensee's supervision or control according to generally accepted standards of practice;"

### **Regular Board Meeting – November 21, 2013**

The Oregon Board of Chiropractic Examiners (OBCE) will hold a regular business meeting on November 21, 2013 at the Morrow Crane Building, 3218 Pringle Rd. SE, Salem, Oregon, in the 2<sup>nd</sup> floor large conference room. The Executive Session will begin at 8:30 a.m. followed by Public Session at 12:30 p.m. or following Executive 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 OBCE public agenda will be posted on the OBCE Web page two weeks prior to the meeting. [www.oregon.gov/obce](http://www.oregon.gov/obce)

## **Public Hearing and Comment on Proposed Rules for File Reviews record keeping and “Clinic ownership responsibility” rule; November 21, 2013**

The Oregon Board of Chiropractic Examiners (OBCE) will hold a public hearing on proposed rules and amendments. A public hearing will be held before the OBCE at their November 21, 2013 meeting, at 1:30 p.m., at the OBCE administrative offices, 3218 Pringle Road SE, in the 2<sup>nd</sup> floor conference room.

- Proposed “Clinic Ownership Responsibility” rule (new OAR 811-010-0125)  
[http://www.oregon.gov/OBCE/pdfs/811-201367Notice\\_Ownership\\_Responsibility.pdf](http://www.oregon.gov/OBCE/pdfs/811-201367Notice_Ownership_Responsibility.pdf)
- Proposed Paper review record keeping rule (amendment to OAR 811-015-0005)  
[http://www.oregon.gov/OBCE/pdfs/811-201367Notice\\_Paper\\_Reviews.pdf](http://www.oregon.gov/OBCE/pdfs/811-201367Notice_Paper_Reviews.pdf)

Public comments may be made until November 21, 2013 by email [oregon.obce@state.or.us](mailto:oregon.obce@state.or.us), or faxed 503 362-1260, or sent to the OBCE, 3218 Pringle Road SE # 150, Salem, Oregon 97302.

## **Pre-Paid Treatment Plan rule amendments (adopted)**

On July 18, 2013 the Board adopted amendments to the Pre-paid and Contracted Treatment Plans rule, effective as of August 2, 2013. The changes strengthen the requirement that the Refund policy be more clearly explained and include a table that shows patients clearly what the refunds would be. Click the link to read the rule: [http://www.oregon.gov/OBCE/pdfs/Pre-paid\\_Plans\\_Rule\\_Language\\_2013.pdf](http://www.oregon.gov/OBCE/pdfs/Pre-paid_Plans_Rule_Language_2013.pdf)

## **Civil Immunity for reporting patients who are unsafe to drive**

Beginning January 1, 2014, civil immunity will be extended to physicians and health care providers, including Chiropractic Physicians, reporting patients who are unsafe to drive under DMV's voluntary reporting program, due to the passage of HB 2195. For more information about this generally: [http://www.oregon.gov/ODOT/DMV/pages/at-risk\\_program\\_index.aspx](http://www.oregon.gov/ODOT/DMV/pages/at-risk_program_index.aspx)

**License Fees to Change.** The OBCE has adopted rules increasing license fees for DCs and CAs, effective on November 1<sup>st</sup>. The fee increases were included in the OBCE's revenue forecast and legislatively approved budget for the 2013-15 biennium. They were necessary to pay for the Board's legal costs, the new doctor of chiropractic health care investigator position and to maintain an adequate ending balance. Passage of SB 106 and SB 5508 provided the basis for these rule changes.

DC renewal fees were last increased in 2001. This is the first increase in chiropractic assistant application and renewal fees since the program's inception in the early 1990's.

### **Adopted Fee Increases**

DC annual renewal: \$50 increase, from \$300 to \$350  
Senior Active DC Renewal: \$37.50 increase from \$225 to \$262.50

Chiropractic Assistant Application: \$25 increase, from \$25 to \$50  
Chiropractic Assistant Renewal: \$25 increase, from \$50 to \$75

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**CA renewal changes.** The new language in SB 106 also created a 30 day grace period for chiropractic assistant renewal (similar to doctors of chiropractic) and allowed the Board to create delinquent renewal penalties for CAs. The new rule provides for two levels of delinquent CA renewal penalties, \$25 for late

renewal in the first 30 days, and \$50 thereafter up to the one year period past the renewal date of August 1<sup>st</sup>.

Now when a CA's certificate expires, they can still legally practice for 30 more days, but to renew in that period they have to pay their \$75 renewal fee plus the \$25 delinquent fee. After that they must cease practice, but they can still renew and get their certificate reinstated with payment of their renewal fee plus a \$50 delinquent fee for up to one year post their August 1<sup>st</sup> renewal date. After that they must go through the application process from the beginning.

Benefits to the CAs is they can get their certificate reinstated easier and at less cost than having to reapply, retake the initial training course and retake the CA examination. Benefits to the OBCE is less processing of CA issues when certificates expire and less processing of initial CA applications.

**Online License Renewal is coming.** In the near future, online license renewal for DC licenses will be available. We expect to have this by January 1<sup>st</sup>, if not sooner.

**OBCE job opening for (DC) Health Care Investigator.** The OBCE is recruiting for a part-time Health Investigator position who has to be a licensed Oregon DC in practice over 5 years. This position was authorized by the 2013 Legislature. Here's the link to the DC position we're recruiting for: [DAS13-0001](#). This is open for applications until October 21<sup>st</sup>. Applications are completed online through the State of Oregon.

**Kelly's CE Report** – Hopefully, DCs with an active license (first year DCs exempted) is aware of the Board's current 2013 CE requirement – a MANDATORY six (6) hours CE in Record Keeping/Documentation. At present, the OBCE has received ONLY 573 proofs of completion (out of a possible 1477!). Everyone should be submitting these proofs immediately upon completion (unlike how the Board normally handles CE [where you maintain the files yourself]) The deadline to have the hours completed is December 31 2013. Do NOT wait. Get your hours completed and turned in to the Board. This link will take you to the list of Board Approved courses - [http://www.oregon.gov/OBCE/pdfs/Record\\_Keeping\\_2013.pdf](http://www.oregon.gov/OBCE/pdfs/Record_Keeping_2013.pdf).

Also, check the OBCE website to see if we have received your proof; IF your name IS on this list, you have complied with the requirement – Follow this link: [http://www.oregon.gov/OBCE/pdfs/Submitted\\_Documentation\\_CE\\_2013.pdf](http://www.oregon.gov/OBCE/pdfs/Submitted_Documentation_CE_2013.pdf).

### **OBCE Key Issues Survey Results**

The OBCE conducted this survey and reviewed the results at their recent planning meeting. The links to these results and the many comments we received are below.

[http://www.oregon.gov/OBCE/pdfs/OBCE\\_Key\\_Issues\\_Survey\\_Results.pdf](http://www.oregon.gov/OBCE/pdfs/OBCE_Key_Issues_Survey_Results.pdf)

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