



Oregon

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Oregon Board of Chiropractic Examiners

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PUBLIC NOTICE

September 20, 2012

Regular Board Meeting – September 27, 2012

The Oregon Board of Chiropractic Examiners (OBCE) will hold a regular business meeting on September 27, 2012 at the Morrow Crane Building, 3218 Pringle Rd. SE, Salem, Oregon, in the 2nd 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/pdfs/Sept_2012_Public_Agenda.pdf

Regular Board Meeting – November 15, 2012

The Oregon Board of Chiropractic Examiners (OBCE) will hold a regular business meeting on November 15, 2012 in the Hampton Hall Conference Room, University of Western States, 2900 132nd, Portland, Oregon. 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

Public Hearing – Proposed Rules – November 15, 2012

A public hearing on two proposed rules will be held before the OBCE at 2:00 p.m. on November 15, 2012 in the Hampton Hall Conference Room, University of Western States, 2900 132nd, Portland, Oregon.

Proposed Amendments to OAR 811-015-0002 Pre-Paid Treatment Plans

http://cms.oregon.egov.com/OBCE/pdfs/Pub_3.pdf

Proposed New Rule 811-0015-0080 License Suspension And Probation

http://cms.oregon.egov.com/OBCE/pdfs/Pub_4.pdf

Peer Review Committee meetings and openings

The OBCE Peer Review Committee next meets in executive session on November 8, 2012 and usually on the 2nd Thursday of the month at the Board offices in Salem.

The OBCE will consider applicants Peer Review Committee. Interested chiropractic physician may apply by sending a letter of interest and resume to the OBCE office. The doctors must be in active practice over five years.

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.

(30)

For more information contact the OBCE at 503-378-5816 or email oregon.obce@state.or.us

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Board of Chiropractic Examiners

Agency and Division

Chapter 811

Administrative Rules Chapter Number

Dave McTeague, Executive Director

Rules Coordinator

3218 Pringle Road SE, Suite 150, Salem OR

Address

(503) 378-5816

Telephone

November 15, 2012

Hearing Date

2:00 p.m.

Time

Hampton Hall Conf Room, Univ. of Western States, 2900 132nd, Portland, OR

Location Conference Room

Dave McTeague, Executive Director

Hearings Officer

Are auxiliary aids for persons with disabilities will be made available upon advance request

RULE CAPTION

Pre-Paid Treatment Plans Amendment; and License Suspension and Probation Provisions Adoption

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT: **811-015-0080** License Suspension and Probation Provisions

AMEND: **811-015-0002** Pre-Paid Treatment Plans

ORS 183; 684

Stat. Auth.

ORS 684.100

Other Authority

ORS 684.155 (b)

Stats. Implemented

RULE SUMMARY

OAR 811-015-0002 (Pre-Paid Treatment Plan amendments): This is a new rule. Practical experience with these types of cases has informed the OBCE that more explicit rules are needed regarding the refund provisions of this rule.

OAR 811-0015-0080 (License Suspension and Probation Provisions): The OBCE proposes to place their general policy regarding suspended licensees and probation provisions into administrative rule. Current policy lacks the effect of law and rule requirement.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the *Oregon Bulletin* or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Signature

November 15, 2012

Last Day for Public Comment

Dave McTeague, OBCE Executive Director Sept 12, 2012

Printed name

Date

DIVISION 15
CONSUMER PROTECTION

811-015-0002 PRE-PAID TREATMENT PLANS DRAFT 1 (Proposed language is **bolded**.)

1) Chiropractic physicians may accept pre-payment for services planned but not yet delivered only if they do so in such a way that it does not constitute the practice of insurance. **Chiropractic physicians or clinics who are certified by the Oregon Department of Insurance as Medical Retainer Plans are exempted from this provision.**

2) The patient's file must contain: the proposed treatment plan, the diagnosis or condition being treated, and the duration of the pre-payment plan.

a) If nutritional products or other hard goods including braces, supports or patient aids are to be used during the proposed treatment plan, the patient documents must state whether these items are included in the gross treatment costs or if they constitute a separate and distinct service and fee. Any additional fees must be explained to the patient in advance and noted in the chart notes.

b) The pre-payment plan must include a written explanation on how the unused portion of funds are calculated or prorated should the patient complete care early or discontinue care due to the patient's choice, doctor's choice, moving, or new injury. **The written explanation must be clearly labeled "Refund Provisions" and explained in plain language that is understood by the patient. The explanation must include a table of calculations that illustrates the amount of refunds or amount owed in the event of the pre-paid plan's early termination.**

A) In event of early termination of a prepayment discount plan by the patient, the maximum fee charged cannot exceed the chiropractor's usual and customary fee for the services rendered. (Or should patients have the same provisions as in (B) below?????)

B) In event of early termination of a prepayment discount plan by the chiropractic physician or clinic, the maximum fee charged cannot exceed pro-rated fees as agreed upon in the pre-paid treatment plan.

811-015-0080 LICENSE SUSPENSION AND PROBATION

1) Chiropractic physicians and Chiropractic Assistants who are placed on suspension may not provide chiropractic treatment or services to any patient and are not to be in the clinic during business hours. It shall be prohibited to portray themselves to patients in any way as potentially practicing. Suspended chiropractic physicians may not perform intake functions and greeting patients. Suspended chiropractors and assistants should not be visible to patients as that could induce the belief they are practicing.

2) Chiropractic physicians and assistants are prohibited from misrepresenting the status of licensure to any patients.

3) Chiropractic physicians will be prohibited from using any student interns during the period of suspension or probation.

4) Suspended chiropractic physicians may not provide any therapies as a CA. They may not personally sell or provide supplements or other products to clinic patients or persons coming in to the clinic. They may not perform adjustments on family or friends while they are suspended as this is the practice of chiropractic. They may not take films or perform any diagnostic procedures.

5) Suspended chiropractic physicians may not engage in marketing which leads clients, consumers or patients to believe they are a practicing chiropractic physician at the time they are suspended. They may not place new advertising which indicates in any way the suspended chiropractic physician is practicing chiropractic during the suspension period.

6) The list of prohibitions in this rule is not all inclusive and if the Board determines that a chiropractor was practicing chiropractic during the term of suspension it may result in disciplinary action. Violations of this rule may result in further discipline pursuant to ORS 684.100.

7) A limited exception includes providing expert testimony at hearing or deposition, information to legal counsel in regards to a patient's case that is in legal process of resolution regarding care provided prior to the suspension. Suspended chiropractic physicians are not prohibited from performing such business functions such as billing and attending tasks not related to patient scheduling, care, treatment or evaluation; but, it must be done outside of regular business hours. Oregon Board of Chiropractic Examiners