

House Bill 3490 “Balance & Fairness”

- About Oregonians Injured at Work Gaining, **Timely, Respectful, and Effective** Management of Their Injuries.
- Objectively Documenting any **Permanent Injury/Permanent Impairment** of the Worker if Present.
- Chiropractors are One of the Best Trained Healthcare Providers to Examine for and Objectively Document **Permanent Spinal Impairment**.

House Bill 3490 “Balance & Fairness”

- Due to the Current Arbitrary Restrictions on Chiropractors are Prevented From Providing a **Closing Examination** and Document any Permanent Spinal Impairment if Present.
- **Independent Medical Examiners (IMEs)** Vendors Perform the Majority if Not All Closing Examinations.
- Due to Continual Complaints, **DCBS IME Study (2004)** 52% of the IME Doctors Said the System Was Anti-worker.

Current Chiropractic Restrictions

“Balance & Fairness”

18 Treatments or 60 Days, Serve as Attending Physicians

Manage Care Organizations (MCO) **12 Treatments** or 18

Chiropractors Can Gain More Treatments via a Referral Back by
an **MD/DO**

However, **Very Few MD/DOs Will Even See Work Comp Patients**



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When you can't afford to be wrong®

Oregon Healthcare Providers Quantitative Research Report

Prepared for:  **saif**
corporation

By project leads: Kathryn Lau and Paul Abel, Ph.D.

For questions, contact: Paul Abel, Ph.D. • paul.abel@blue-research.com

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Approach

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Custom designed online survey prepared by Blue Research and approved by SAIF after multiple stakeholder reviews; WCD executed data collection.

- Project sponsored by SAIF Corporation and specifically designed to ensure the involvement of multiple stakeholder groups (e.g., OMA, WCD)
- Questionnaire design, questions and email invitations drafted by Blue Research with input from each stakeholder group
- The final survey instrument approved by SAIF, then programmed, tested and hosted by WCD. Blue Research assisted with survey testing prior to launch
- Over 5,000 potential respondents recruited by email by the OMA and WCD
- In total 745 respondents answered the preliminary questions and 552 respondents completed all questions in the survey
- Completion rates vary widely by provider type: 445 chiropractors, 77 all other specialties combined

Blue Research responsible for analyzing data and reporting results.



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Nearly 1 in 3 Providers Consider These Patients A Burden or Avoid Accepting Them

Chiropractic Care – Cost Savings – Evidence “Affordability”

Cost-Effectiveness of Chiropractic Care

November 2022

Anthony L. Rosner, Ph.D.

University Western States, Portland Oregon

Physician Service Categories

“Balance and Fairness”

2023

Physician Service Categories

Service Category	Service Count	Total Payments	% Count	% Payments
Physical Medicine & Rehab	691,654	\$ 65,325,660	54.0%	36.6%
Evaluation & Management	300,921	\$ 65,938,226	23.5%	36.9%
Radiology	89,538	\$ 13,129,281	7.0%	7.4%
Major Surgery	12,959	\$ 14,654,291	1.0%	8.2%
Medicine	96,174	\$ 9,235,826	7.5%	5.2%
Minor Surgery	26,786	\$ 6,391,279	2.1%	3.6%
Chiropractic	48,232	\$ 3,145,838	3.8%	1.8%
Lab & Pathology	14,249	\$ 707,845	1.1%	0.4%
Not Otherwise Classified	962	\$ 70,688	0.1%	0.0%
Total	1,280,513	\$ 178,598,933	100.0%	100.0%

The Negative Reputation of Chiropractors Relative to Oregon's Workers' Compensation System – **Where Did it Come From?** "Balance and Fairness"



SAIF Corp In-House Statistical Review Report

CZP012-B, 1988

Medical Doctor Case Average \$256

Physical Therapy \$550

Drugs \$200

Radiologists \$200

True Total \$1,206

Chiropractic Doctor Case Average \$706

Physical Therapy Included

Drugs None

Radiologists Included

True Totals \$706



SAIF Claims \$50 Million Losses in 1988 & \$10.3 Million in 1989

BUSINESS

Page 6D
Statesman Journal
Salem, Oregon
Wednesday, May 15, 1991

People

Willamette Humane Society adds directors

Rebecca Owen Anderson and Darcy Smith, both of Salem, have been named to the board of directors of the Humane Society of the Willamette Valley.

Anderson is a commissioner for the Fifth District of the Oregon Liquor Control Commission.

Smith is a veterinarian at Oak Hills Veterinary Clinic in West Salem.

Dan Penn is honored for campaign work

Dan Penn, the president and chief executive officer of the Marion & Polk Schools Credit Union, has been honored with a



Dan Penn

resolution of appreciation for his leadership as chairman of the Oregon "Operation Grassroots" campaign.

Penn was presented with the resolution at the recent annual education conference of the Oregon Credit Union League in Eugene.

Operation Grassroots is a nationwide campaign to fight proposed federal legislation that would change how credit unions are regulated.

SAIF understated '89 earnings, report says

By Allen Cheng
The Statesman Journal

The SAIF Corp., Oregon's largest underwriter of workers' compensation insurance, understated its 1989 earnings by \$25 million to \$35 million because of an accounting error, according to a report issued Tuesday by Oregon Secretary of State Phil Keisling.

The report, SAIF critics contended Tuesday, is evidence that SAIF was not as bad off financially as its officials claimed when they urged legislators to reform Oregon's workers' compensation system in 1989.

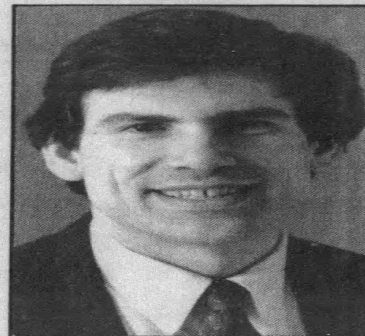
SAIF officials' urging was a key reason that the Oregon Legislature held a one-day emergency session in May 1990 to revamp the accident insurance system.

SAIF had reported losses of \$50 million in 1988 and \$10.3 million in 1989. Keisling said SAIF actually earned \$15 million to \$25 million in 1989.

The discrepancy was the result of errors made by SAIF actuaries, who incorrectly estimated 1989 insurance premiums for state government.

Kathy Keene, SAIF's executive vice president for internal affairs, disputed Keisling's estimates of SAIF earnings for 1989. SAIF did have some earnings in 1989, she said, but exactly how much can't be determined yet.

State government is on a retrospective policy — where it pays premiums for any one year during a five year period — and its exact premium dollars for 1989 will not be known until 1994, Keene said.



Phil Keisling

The complexities of retrospective insurance — which most employers with annual premiums of \$100,000 or more have — make it difficult for SAIF to know exactly how much it is earning or losing at any one time, Keene said.

Such policies force SAIF to estimate earnings based on projected accident rates.

Joe Gilliam, the Oregon state director for the National Federation of Independent Businesses, said the understated earnings were the result of poor accounting practices and insufficient state regulation of SAIF.

For example, Gilliam said, Oregon law allows SAIF to hold less money in reserve to pay potential claims than private insurers.

SAIF, a former public agency, became an independent public corporation in 1979.

Dorothy Martin, the president of Oregon Workers Against Discrimination, said she thought SAIF officials concocted their losses

in 1989 to create a political climate to help push reform bills through the special legislative session.

Martin and her group have long contended that the reforms took away many of the health benefits that injured workers needed to get back to work.

Keene denied that SAIF officials willfully understated their earnings.

"People who are suggesting that we were misrepresenting our financial situation are absolutely inaccurate," she said. "They're just dead wrong."

Bill to cable hidde

Gannett News Service

WASHINGTON — A bill to provide a television subscription cable industry said

Included in the Commerce Committee broadcast station companies for re

"You have to green cheese" to would not be pas Mooney, the pr Television Associ

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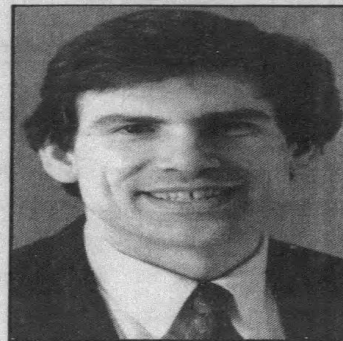
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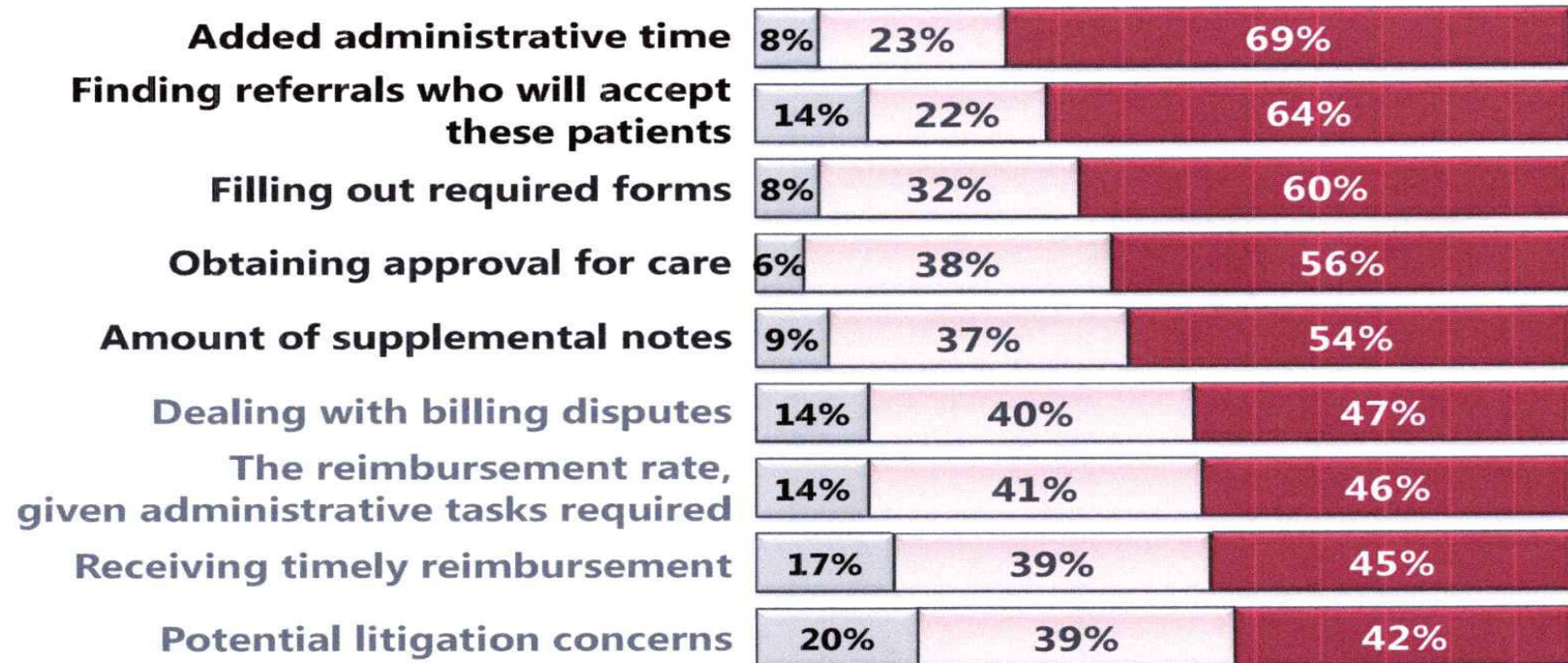
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Many Challenges Exist; For Over 2 in 3 the Additional Administrative Time Required is Always a Challenge

blue.

Challenges in Treating Workers' Compensation Patients



□ Never a challenge (1-2) □ Somewhat of a challenge (3-4) ■ Always a challenge (5-7)

Q2. Listed below are challenges that your practice may encounter in the treatment of patients. For this survey we'd like you to focus on the treatment and care of patients covered by workers' compensation insurance. Please rate each of the following statements using a 7-point scale, where a "1" means the statement describes something that is never a challenge and a "7" means the statement describes something that is always a challenge. (n=101)

“Racketeering” From Cornell Law School

“Balance and Fairness”

- Racketeering is a set of illegal activities aimed at commercial profit that may be disguised as legitimate business deals. Racketeering is defined by a coordinated effort by multiple people to repeatedly earn a profit. Typically, by fraud, extortion, bribery, threats, violence, or other illegal means. (See 18 U.S.C. § 1961)
- The Racketeer Influenced and Corrupt Organization Act (RICO) is the primary law that outlines and criminalizes racketeering activities.
- Examples of racketeering activity may include: money laundering, drug trafficking, or other **forms of organized crime**.

AFFIDAVIT

May 27, 2024

"My name is Daniel J. Gatti, and under penalty of perjury, I swear or affirm that:

1. During the SAIF investigation, "Operation Clean Sweep," I was a licensed Oregon attorney who represented the majority of the 27 chiropractors investigated for racketeering and allegedly maintaining a "dual rate structure" when treating injured workers. None of my clients were found guilty of the malicious charges "**Made Up**" by SAIF. Regardless, my recollection is that 2 or 3 of the chiropractors who could not afford to defend themselves agreed to cease their treatment of injured workers in the future, and their cases were dismissed. All of the other 27 chiropractors were ultimately not charged, their cases were dropped, or the doctors were acquitted.

2. During the defense of these cases, it became quite clear that SAIF had significant animus toward the chiropractic community, and the primary goal of the investigation was to completely eliminate chiropractic access by injured workers desperately needing the unique care chiropractic physicians offer. As an example of SAIF's attitude toward this respected healthcare profession, during one deposition, the agent admitted that the acronym "AMF" Janitorial stood for, "Adios Mother Fuckers."

Affiant's Signature: _____

Dated: _____

May 28, 2024

DANIEL J. GATTI
NOTARY ACKNOWLEDGMENT

State of Nevada:

County of Clark

On 05/28/2024, personally appeared **Daniel J. Gatti** who provided me with satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the affidavit, he acknowledged it's truth and veracity of the information contained therein.

I certify under Penalty of Perjury under the laws of the State of Nevada, that the foregoing paragraph is true and correct. WITNESS my hand and official seal:



824 – 844 Practicing Chiropractors in 1988-1989

“Balance and Fairness”



Oregon

John A. Kitzhaber, M.D., Governor

LICENSING STATISTICS as of September 3, 1998

Oregon Board of Chiropractic Examiners

3218 Pringle Road SE
Suite 150
Salem, OR 97302-6311
(503) 378-5816

YEAR	ACTIVE	INACTIVE	TOTAL
July 1984	675	300	974
July 1985	705	338	1043
July 1986	733	394	1127
July 1987	780	457	1237
July 1988	824	507	1331
January 1990 (numbers from Sept 89)	844	701	1545
January 1990 (drop due to cleanup of database)	825	591	1416
Sept 1991	829	618	1447
Sept 1992	818	595	1413
Sept 1993	799	582	1381
Sept 1994	844	544	1388
Sept 1995	844	521	1365
Sept 1996	873	485	1358
Sept 1997	895	456	1351
Sept 1998	950	448	1398

1323

5.6%
Increase

Note: The total number of licensees always includes those who have an expired license. Doctors who have not renewed their license by September 1 of each year have until July 31 of the following year to renew their license. If they have not renewed by August 1 of the following year their name is removed from the database and they must retake the clinical proficiency exam to be eligible for licensure.

Oregon

Chiropractic Practices and Utilization Guidelines



Last updated Nov 2017

Common
Neuromusculoskeletal
Conditions

Division 15

CONSUMER PROTECTION

811-015-0010

Clinical Justification

(4) Chiropractic physicians shall treat their patients as often as necessary to insure favorable progress.

Evidence based outcomes management shall determine whether the frequency and duration of curative chiropractic treatment is, has been, or continues to be necessary. Outcomes management shall include both subjective or patient-driven information as well as objective provider-driven information.

In addition, **treatment of neuro-musculoskeletal conditions outside of the Oregon Practices and Utilization Guidelines — NMS Volume I, Chapter 5,** may be considered contrary to accepted standards.

Chiropractic physicians treating outside of the Practices and Utilization Guidelines — NMS Volume I, Chapter 5, bear the burden of proof to show that the treatment, or lack thereof, is clinically justified.

