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| OBCE BOARD MEETING PUBLIC SESSION | May 8, 2020 | 8:30 AM |
| | Teleconference Call in: 888-273-3658 Participant Access Code: 103386 | |
| Board President: Franchesca Vermillion, DC Phone 503-378-5816 Fax 503-362-1260 | | |

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| Board member Attendees: | Staff Attendees: |
| Franchesca Vermillion DC, President | Cass Mcleod-Skinner JD, Executive Director |
| Michelle Waggoner DC, Vice President | Kelly Beringer, Administrative Assistant |
| Seth Alley DC, Secretary | Donna Dougan, Administrative Assistant |
| Ron Romanick DC | Frank Prideaux, Healthcare Investigator |
| Amber Gies JD, Public Member | Miriam Lara, Office Specialist |
| Glenn Taylor, Public Member | Lori Lindley, Assistant Attorney General |
| Allen Knecht DC | |
| Public Attendees: Kathleen Galligan DC for UWS, and Ty Weingard DC for OCA | |

8:30 AM Convene Public Session

I. PUBLIC COMMENTS - None

II. CONSENT AGENDA

1. Today's agenda
2. March 19, 2020 Public Board Minutes
3. March 29, 2020 Special Meeting Minutes

Consent agenda approved.

III. OCA Update

Dr. Ty Weingard called in but had no new report.

IV. UWS Update

Dr. Kathleen Galligan reported on how the college is functioning around the pandemic.

8:45 AM Dr. Alley was briefly excused.

V. ADMINISTRATIVE RULES

1. Discuss Fee Splitting policy

Issue: Fee splitting is not defined in rule, licensees are confused by Board's existing policy.

Outcome: Refer to AMA definition of fee splitting; enter rulemaking for September 2020.

Proposal: Enter rulemaking to create a definition for fee splitting.

Motion: Vermillion moved to accept the proposal: Romanick seconded.

Vote: Waggoner, aye; Knecht, aye; Gies, aye; Romanick, aye; Vermillion, aye; and Taylor, aye.
Alley, excused

Motion passed unanimously.

2. Discuss Telehealth and Record keeping rules re: vitals

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| Issue: There is a conflict with the record keeping rule and the telehealth policy regarding vitals |
| Outcome: Replace language in Records rule with proposed; enter rulemaking for July 2020. |

Proposal: Enter rulemaking OAR 811-015-0005 Records.

Motion: Gies moved to accept the proposal; Taylor seconded.

Vote: Waggoner, aye; Knecht, aye; Gies, aye; Romanick, aye; Vermillion, aye; and Taylor, aye.
Alley, excused

Motion passed unanimously.

9:00 AM Rules Hearing

| Rule Number | Proposal (e.g. Adopt as amended) | Motion to Accept | Second | Vote |
|--------------------|--|-------------------------|---------------|-------------|
| OAR 811-010-0085 | Adopt as amended | Gies | Waggoner | Unanimous |
| OAR 811-010-0086 | Adopt as amended | Taylor | Vermillion | Unanimous |
| OAR 811-010-0093 | Adopt as amended | Vermillion | Waggoner | Unanimous |
| OAR 811-010-0110 | Adopt as amended | Taylor | Vermillion | Unanimous |
| OAR 811-030-0020 | Adopt as amended | Vermillion | Gies | Unanimous |

Discussion 811-030-0020. Review Radiation Protective Services white paper on shielding, should all or only part of section (7) be deleted. Only “gonads” will be removed.

Discussion and Action Item

5. Practice Policies – Radiographic mensuration policy

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| Issue: Final draft of policy to be reviewed/approved. |
| Outcome: Board reviewed and approved the final draft of radiographic mensuration policy. The policy will be added to the Guide to Policy and Practice Questions. Return to rulemaking to adopt OAR 811-010-0093 as amended. |

Proposal: Approve the final draft of the radiographic mensuration policy.

Motion: Alley moved to accept the proposal; Knecht seconded.

Vote: Waggoner, aye; Knecht, aye; Gies, aye; Romanick, aye; Vermillion, aye; Taylor, aye; and Alley, aye.

Motion passed unanimously.

9:45 AM Break

10:00 AM Return from break; return to rule hearing.

Discussion 811-010-0110: in addition to removing the fees, the Board reviewed section 12 which misstated fees due during the “30 day grace period.” The rule was amended to clearly state what is required during 30 day grace period and what is required after the 30 day grace period. Fees were removed. Motion and vote above.

10:10 AM Rule hearing closed.

VI. DISCUSSION AND ACTION ITEMS

COVID-19 Update

- Possible Guidance - Board determined to maintain referrals to the Oregon Health Authority's website, the CDC, and Governor Brown's page.
- Medical vs Non-medical massage – Reviewed email drafted by the Board of Massage. Calls are coming in from our CAs and massage therapists in the chiropractic clinic.

1. Governor Brown's Reopening Oregon Framework Presentation

Director Skinner briefly reviewed the current framework presented by the Governor. The most recent presentation is posted on the OBCE's home page.

2. Certified Functional Strength Coach – CE Request approval

Issue: Staff questioned whether the program is professional level for CE credit.

Outcome: Eight (8) hours course attendance (not "study" time) would be allowed CE hours. This is a one-time allowance.

3. Northwestern U. and Remote Clinic Instruction

Issue: The University asked whether the Oregon Board has any restrictions for the online (remote) clinic requirements for their preceptors.

Dr. Galligan commented that UWS is also offering the clinic hours remotely. Taking histories, for example are part of the clinic instruction. Adjustment techniques are of course not able to be measured until the student "demonstrates" their competency. As long as the student is able to get their training per the CCE standards. Board member agree.

4. Administrative Policies – None

5. Practice Policies – Radiographic mensuration policy

Discussed earlier in day; final approved.

6. DC Application and Candidate's Guide – Move to July 2020

7. Ayurvedic Medicine CE Request approval

Issue: Licensee requests number of hours allowed for this 8 week "3 credit hour" course.

Outcome: Allow 24 hours CE if completed; Documentation should be the transcript showing completion.

8. Guide to Policy & Practice Questions

Add radiographic mensuration.

Added Discussion: Should July's meeting be one, or two days? The Board is anticipating the use of Zoom for Healthcare for future meetings. The schedule will change from Friday, July 17 to Wednesday/Thursday July 15-16, 2020.

11:00 AM Adjourn to Executive Session

2:50 PM Reconvene Public Session

VII. CORRESPONDENCE - None

VIII. WORK SESSION - None

IN THE MATTERS OF

3. DC & CA ISSUES

c. Case # 2020-5012

Proposal: Issue a Notice to Deny Certification

Motion: Vermillion moved to accept the proposal; Alley seconded.

Vote: Waggoner, aye; Knecht, aye; Romanick, aye; Vermillion, aye; Taylor, aye; and Alley, aye. Gies, nay.

Motion passed.

4. NEW COMPLAINTS & CARRY FORWARD

a. Case # 2019-1010

Proposal: Issue a contingent case closed with two (2) hours telehealth CE and two (2) hours record keeping CE; hours are to be completed within 90 days.

Motion: Vermillion moved to accept the proposal; Waggoner seconded.

Vote: Waggoner, aye; Knecht, aye; Gies, aye; Romanick, aye; Vermillion, aye; Taylor, aye; and Alley, aye.

Motion passed unanimously.

b. Case # 2019-1024

Proposal: Insufficient evidence to find a violation.

Motion: Knecht moved to accept the proposal; Romanick seconded.

Vote: Waggoner, aye; Knecht, aye; Gies, aye; Romanick, aye; Vermillion, aye; Taylor, aye; and Alley, aye.

Motion passed unanimously.

c. Case # 2019-5020

Proposal: Issue a contingent case closed – three (3) hours in CE covering pediatric plus two file pulls within six months, two files each (one adult, one pediatric case). She may not use the 3 hours pre-emptive pediatric CE for renewal credit.

Motion: Romanick moved to accept the proposal; Gies seconded the motion.

Vote: Waggoner, aye; Knecht, aye; Gies, aye; Romanick, aye; Vermillion, aye; Taylor, aye; and Alley, aye.

Motion passed unanimously.

e. Case # 2019-1020

Proposal: Issue a Notice of Proposed Discipline to take and unconditionally pass all aspects of ProbE; should the licensee fail ProbE, he will be suspended until he can pass as stated. Complete two hours CE in record keeping and documentation. \$5,000 fine.

Motion: Vermillion moved to accept the proposal; Gies seconded.

Vote: Waggoner, aye; Knecht, aye; Gies, aye; Romanick, aye; Vermillion, aye; Taylor, aye; and Alley, aye.

Motion passed unanimously

f. Case # 2019-1008

Proposal: No statutory violation.

Motion: Waggoner moved to accept the proposal/Taylor seconded the motion.

Vote: Waggoner, aye; Knecht, aye; Gies, aye; Romanick, aye; Vermillion, aye; Taylor, aye; and Alley, aye.

Motion passed unanimously

g. Case # 2019-3005

Proposal: No statutory violation

Motion: Alley moved to accept the proposal; Gies seconded.

Vote: Waggoner, aye; Knecht, aye; Gies, aye; Romanick, aye; Vermillion, aye; Taylor, aye; and Alley, aye.

Motion passed unanimously.

h. Case # 2019-5025

Proposal: Ratify notice of proposed discipline.

Motion: Vermillion moved to accept the proposal; Alley seconded the motion.

Vote: Waggoner, aye; Knecht, aye; Gies, aye; Romanick, aye; Vermillion, aye; Taylor, aye; and Alley, aye.

Motion passed unanimously.

3:00 PM Adjourn for the Day

Prepared by Kelly Beringer, Administrative Assistant
Transcribed 5/8/2020

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