

J. Michael Burke, D.C.
Chiropractic Physician
Board Certified Chiropractic Orthopedist

March 6, 2013

To: Members of the Senate Rules Committee
Re: Appointment of Dr. Jason Young to the Oregon Board of Chiropractic Examiners
From: J. Michael Burke, D.C.

Thank you for considering my written testimony. I am an Oregon chiropractor and have been licensed in this state for more than 30 years. My experience in the chiropractic profession is very broad. I have attached my CV as qualification for the testimony I am giving.

I am not opposed to Dr. Young's appointment, but I am concerned that it will not correct the current problems with the OBCE.

Dr. Jason Young was a chiropractic student when I taught at Western States Chiropractic College. I trained and supervised him in the outpatient clinic's physical rehabilitation department. During the time I knew him at Western States I thought he was an honest and upstanding future chiropractor who would serve his patients and our profession well. Although I have had little if any contact with him since he graduated, I know of no reason to change my opinion of him now. My concern regarding his appointment to the Oregon Board of Chiropractic Examiners (OBCE) has nothing to do with him personally. I believe he meets the minimum qualifications required for appointment to the Board. Furthermore, his appointment is in accordance with considerations outlined in 684.130 (2)(c)(A) and (B) regarding balanced representation according to geographic area and ethnic group.

Unfortunately, Dr. Young does not represent the kind of diversity needed on the OBCE. The current Board members do not represent different types of practices and a broad range of experience. Last year I testified before the House Health Care Committee regarding prejudicial attitudes held by the members of the Board against chiropractors who perform independent medical examinations (IMEs). Representative Greenlick is aware of my concern. We have continued to communicate about it, and I believe he shares the same concern. To my knowledge, there is only one current member of the Board who has ever performed an IME, and she has been the most vociferous in her expressions of bias. At least two chiropractors have faced disciplinary action from the Board in the absence of any wrongdoing. In one case, that of Dr. Thomas Freedland, the Board charged him with violations for which there was no evidence whatsoever. It would be in the public's interest to have at least one member of the Board be a chiropractor who has had extensive experience performing IMEs and independent record reviews.

If the only problem was the Board's bias against chiropractors who perform independent examinations, that in itself would be serious. However, in addition, other recent Board decisions call into question the very competence of the members themselves. For example, last year I filed a complaint about a chiropractor who manipulated the neck of a patient with rheumatoid arthritis. The presence of rheumatoid arthritis is a contraindication - some would say an absolute contraindication - to spinal manipulation. This doctor placed his patient's life at risk by performing this procedure. Unfortunately, the Board ruled that there was "no statutory violation" and dismissed the complaint without even a letter of concern.

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There are other reasons to be concerned about the OBCE, but I will not enumerate them here. My testimony and that of others before the HHC last year is available to you. I can provide the members of this committee with copies of letters sent to Governor Kitzhaber in which the Board's misconduct is detailed. I would also refer you to Representative Greenlick for further information.

Returning to Dr. Young one last time, I am concerned that his appointment to the board will not remedy the problems. Rather, his membership will only continue the Board's homogeneous composition. I conclude by urging the members of the Rules Committee to become better informed about the problems with the OBCE before considering another appointee's confirmation.

J. Michael Burke, D.C.

*Clinical and Forensic Chiropractor
Board Certified Chiropractic Orthopedist*

CURRICULUM VITAE

Professional Licenses and Board Certification

Licensed Oregon chiropractic physician, 1981-present
Formerly licensed in Washington, California, and Hawaii (no longer active in these states)
Diplomate, American Board of Chiropractic Orthopedists, 1988

Education

B.A. with honors, University of California Santa Cruz, 1974
Doctor of Chiropractic, Western States Chiropractic College, Portland, Oregon, 1980
Postdoctoral study in Radiology, WSCC, 1982-83
Postdoctoral study in Chiropractic Orthopedics, WSCC, 1985-87
Postdoctoral study in Spine Rehabilitation, Los Angeles College of Chiropractic, 1997-98, 2004-05

Professional Experience

Independent Medical Examiner, physician consultant, and impairment evaluator for insurers and attorneys in workers' compensation, personal injury, and malpractice claims, 1986-present
Attending Physician, Gresham Integrated Care, a University of Western States clinic, 2010-2011
Private practice of chiropractic, 1981-2008
Cofounder, President, and CEO, ChiroNet, Inc. (now The CHP Group), 1989-96
Peer Review Committee member, Oregon Board of Chiropractic Examiners, 2004-07
Peer review panelist, Washington Department of Labor and Industries, 1990-92
Consultant to Medical Director, Oregon Workers' Compensation Department, 1991-92

Academic Appointments

Associate Professor, University of Western States, 2010-2011
Clinic Faculty, Western States Chiropractic College, 2006-2010
Physical Rehabilitation Supervisor, Outpatient Clinic
OSCE examinations evaluator
Co-instructor, Evidence-based Practice III/IV, 2009-2010
Postgraduate Faculty, Western States Chiropractic College, 2008-2011
The Independent Medical Examination: Training for Chiropractors, 2008-2011 (cosponsored by the American Board of Forensic Professionals)
Physical Rehabilitation, Certified Chiropractic Sports Physician program, 2009
Associate Faculty, Western States Chiropractic College, 2001-2009
Intern supervisor at on-site sports events

Recent Presentations

Southwest Brain and Spine Center/Pain Society of Oregon, Second Annual Spine Symposium, 2011
American College of Chiropractic Consultants, 2008, presentation: *A Critical Look at Non-evidence Based Resources and Guidelines in Common Use for Whiplash Associated Disorders*
American College of Chiropractic Consultants, 2007, presentation: *Bringing Evidence-based Medicine into the Independent Medical Examination Process*
Western States Chiropractic College Northwest Symposium, 2007, presentation: *Rehab Strategies for Acute/Severe Back and Neck Pain*
Evidence-based Outcomes Measures, 2006; presentation provided attendees with continuing education in this subject required by Oregon Board of Chiropractic Examiners
Presentations to new licensees on medical record keeping and functions of Peer Review Committee, 2004-06, sponsored by Oregon Board of Chiropractic Examiners

Contact Information

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