



Oregon

John A. Kitzhaber, MD, Governor

Board of Chiropractic Examiners

3218 Pringle Rd SE Ste 150

Salem, OR 97302-6311

Phone: (503) 378-5816

Fax: (503) 362-1260

Email: oregon.obce@state.or.us

Web: www.oregon.gov/OBCE

Education Subcommittee Ways & Means

May 6, 2013

SB 106

Testimony of
Dave McTeague, Executive Director
Board of Chiropractic Examiners

SB 106 is a companion measure to Chiropractic Board's budget (SB 5508) which is scheduled for Ways and Means hearing on February 20th. SB 106 and the Board's budget proposals are supported by the Oregon Chiropractic Association.

The Chiropractic Board is grappling with many challenges:

- Our complaints and case numbers have risen from 69 in 2010 to 143 in 2012.
- The complexity has increased, with many complaints requiring much more investigative effort (sexual misconduct, excessive treatment, billing fraud, unlicensed practice.)
- Our AG legal and contested case costs have increased significantly.
- We have more licensees on probation and others being monitored than ever before.

The Chiropractic Board is our meeting our mission of public protection, *but we need help!*

What the measure does: This measure removes from statute the statutory fee references and caps for the Board of Chiropractic Examiners and the Board of Pharmacy, the only two health regulatory boards that have these in statute. The measure would allow these two boards to set their license fees by administrative rule, subject to the SB 333 post-approval legislative process.

Proposed Fee Increase: The Chiropractic Board has proposed to increase chiropractic physician Active license renewal \$50, from \$300 to \$350 a year. Those fees were last increased in 2001.

For Certified Chiropractic Assistant applications, a \$25 increase is proposed, from \$25 to \$50; and for annual renewals a \$25 increase is proposed, from \$50 to \$75. Those fees have not been increased since their inception in 1991.



This would produce additional revenues of approximately \$203,256 for the 2013-15 biennium. These increases are dependent upon approval of SB 106.

As of January 14, 2013, there were 1540 active chiropractic physicians and 327 with inactive status, and 1307 certified chiropractic assistants.

The additional revenues support policy packages proposed for the Ways & Means consideration:

- 1) Increase funding for Attorney General legal costs,
- 2) Create a half-time chiropractic professional position (health care investigator) to assist the board with investigations, mentoring and probation monitoring, and
- 3) Maintain the required ending balance.

Oregon Board of Chiropractic Examiners
Policy Packages
Approved for the Governor's Request Budget.

Policy Package # 100, Fee Increases. The Board requests increases in chiropractic physician and chiropractic assistant licensing fees totaling \$203,256. This is needed to meet legal, investigative and contested case costs that are caused by increased number and complexity of complaints and cases; and to fund the Board's proposed policy packages. The increases are also dependent upon separate legislation (SB 106) that either removes or increases the existing fee maximums in statute.

| Proposed Fee Increases | Increased Revenue |
|---|-------------------|
| DC annual renewal, \$50 increase, from \$300 to \$350 | \$121,540 |
| Senior Active Renewal \$37.50 increase from \$225 to \$262.50 | \$18,540 |
| Chiropractic Assistant Application, \$25 increase, from \$25 to \$50 | \$21,465 |
| Chiropractic Assistant Renewal \$25, from \$50 to \$75 | 41,711 |
| Total | \$203,256 |

Policy Package # 101, Additional AAG, Package #102 requests an additional \$43,491 additional allocation for attorney general legal expenses. The Board relies on our Assistant Attorney General (AAG) for legal work and legal advice. The AAG is intimately involved in ongoing cases which developed into contested case proceedings. Some of these go to hearing which is expensive. Most interactions with legal counsel for respondent licensees need to go through the Board's AAG. In the 2011-13 biennium, as of August 2012, the Board's expenditures for AAG are projected to be significantly over the current allocation.

Policy Package # 102, Chiropractic Doctor on Staff. The Board proposes creation of a half-time position for a chiropractic physician. This is needed to assist in the investigation increasingly complex and document heavy cases and complaints. The Board has increased their monitoring of chiropractic physicians who are on probation and/or who are participating in mentoring programs. This includes regular reviews of patient files to determine if they are meeting professional standards. Other health regulatory boards have their respective professionals as part of their staffing (medical, nursing, physical therapy and pharmacy). DAS HR has determined the appropriate classification for this position is Health Care Investigator, as a starting January 1, 2014, as a limited duration position. The proposal is for \$83,192 (includes \$12,651 in supplies & services).