



Oregon

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Oregon Board of Chiropractic Examiners

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Education Subcommittee
Joint Ways & Means Committee
February 11, 2015

Testimony of Cassandra Skinner,
Executive Director, and
Dr. Daniel Côté, OBCE Chair



Governor's Budget - HB 5007, HB 5008

The Oregon Board of Chiropractic Examiners (OBCE) is responsible for the licensing and regulation of chiropractic physicians and certified chiropractic assistants. Our board consists of five chiropractic physicians and two public members, all of whom are appointed by the Governor and confirmed by the Senate. **OBCE's mission: *To serve the public, regulate the practice of chiropractic, promote quality, and ensure competent ethical health care.*** (Rev. 09/07)

We have 5.0 (4.88) FTE staff (6 positions), including two Administrative Assistants (one at 1.0 FTE, one at .75 FTE), an Office Specialist (.75 FTE), a temporary Investigator (1.0 FTE) who is assisting the agency while we analyze our investigatory needs, a Health Care Investigator (.38 FTE), and Executive Director (1.0 FTE). Our Assistant Attorney General is a critical part of our team.

DC Licensee/Certified CA Overview

License Type	Current Number	% change from 2012	National range*
Doctor of Chiropractic (DC) - Active	1,626	5% increase	87 – 13,444
DC - Inactive	356	8% increase	0 – 3,131
Certified Chiropractic Assistants (CCA)	1,782	27% increase	unknown
Total	3,764	13% increase	

* Federation of Chiropractic Licensing Boards website: www.fclb.org

Complaints Overview

- The OBCE resolved 125 complaints in 2013 and resolved 118 complaints in 2014.
- Currently, we have 41 open cases involving 31 licensees and 2 unlicensed persons.

- 12 DCs are on probation, another 12 DCs are subject to monitoring.

NUMBER OF NEW COMPLAINTS RECEIVED IN PREVIOUS YEARS		RECEIVED COMPLAINTS BY TYPE	2006	2007	2008	2009	2010	2011	2012	2013	2014
		Advertising	6	12	6	5	3	6	7	5	0
		Billing Issues	10	11	6	9	3	16	18	15	13
1996	44	Chart Notes	1	3	3	2	3	5	3	8	1
1997	38	Licensing/CE	11	8	10	13	9	16	12	11	8
1998	39	Miscellaneous	9	8	5	9	12	25	18	12	12
1999	77	Practice w/o License	4	5	1	3	1	4	11	3	5
2000	72	Records Release	9	6	8	2	4	2	3	4	3
2001	67	Sexual Misconduct/Boundaries	6	9	5	6	7	15	7	14	4
2002	75	Treatment	16	17	10	12	17	10	27	11	10
2003	92	Treatment/Billing	6	9	8	6	9	11	15	28	11
2004	78	Unprofessional Conduct	8	7	10	11	2	20	22	14	15
2005	96	Total Complaints	86	95	72	78	70	130	143	125	82

*Miscellaneous for 2013 includes 1 fraud, 5 IME/chart review, 1 X-Ray, 1 fail to pay child support and 1 fail to pay state tax complaints. Miscellaneous for 2014 includes 1 X-Ray, 3 excessive treatment.

Budget Requests

Policy Package # 100, Health Care Investigator, Make Permanent and Increase FTE. This current limited duration position was approved for the 2013-15 biennium, as an 18 mth position at .38 FTE. This policy package makes the position permanent and increase the FTE to .60 FTE to address the actual workload and hours required to complete the work of this position. Between April 20, 2014 – Jan. 30, 2015:

- Assisted with 51 complaints (including 29 in-person interviews);
- Reviewed 108 individual patient files;
- Produced 36 investigative reports for Board's review;
- Logged over 200 phone calls concerning practice related questions from licensees, insurance companies, patients, and the general public.

The Health Care Investigator has been instrumental in bringing down our complaint numbers by providing preemptive education and resources to licensees who call in with practice questions or concerns.

Policy Package # 101, Legal Services, Department of Justice, Assistant Attorney General (AG) Services. The Board relies on our Assistant Attorney General (AAG) for legal work and legal advice. The AAG is closely involved in ongoing cases which often develop into contested case proceedings. We are experiencing unprecedented and escalating legal costs based on a couple of different factors: increased complexity of cases and an increased likelihood that licensees facing proposed disciplinary action, or even interview/investigation, are seeking legal counsel to litigate both the investigative and contested case processes, sometimes filing in circuit court simultaneous with the administrative law process. Additionally, licensees are more apt to file cases for appellate review to the Oregon Court of Appeals.

For 2013-15, the OBCE has a flat-rate contract with the Department of Justice for \$195,455 (\$8,144/mth) which does not include ancillary costs such as travel, witness fees, court reporters, filing fees, or transcription costs to prepare cases for appeal. Our actual usage has been \$17,719/mth (217% of the flat rate contract amount). We anticipate our actual usage to exceed \$425,000 for 2013-15 (actual time billings as of Dec. 31, 2014: \$318,944). As of Dec. 31, 2014, our actual ancillary costs are \$21,644.57.

Because the DOJ will use actual usage for the current and previous two biennia to calculate a flat rate contract for the agency for 2015-17, we do not have those numbers yet and our actual usage will cause that contract amount to increase. This request, a placeholder, is for \$140,000, a low estimate.

Policy Package # 102, Professional Services (primarily Office of Administrative Hearings).

The Office of Administrative Hearings (OAH) provides administrative law judges to preside over contested case hearings, including pre-hearing conferences, motions, and the actual hearing itself that can take anywhere between 1-12 days.

Unlike the DOJ, the OAH is not permitted to enter into flat-rate contracts with agencies it serves and must charge for actual services provided. Our actual billings for OAH for July 2013 – Dec 2014 totaled \$32,140.

Other services referred to in this POP are for contracted chiropractic consultants, contract investigators, and stipends for the Peer Review Committee. This request is for an additional \$40,219 over the current service level and is based on estimates of future needs.

Policy Package # 103, Merchant Fees for Online License Renewal.

DCs are now able to renew their licenses online. CAs will be able to renew online by mid-summer, 2015. Estimates are that 70% of DCs will renew online in 2015-16 and 80% in 2016-17. The request is for \$26,360 to cover the merchant fees (credit card costs) accrued in the use of the credit card processing machines.

Policy Package #105, Executive Director Differential.

This package adds \$16,509 in Salaries & Wages for the new director's differential and \$5,075 in Other Payroll Expenses for a total of \$21,584. The differential was necessary for recruitment purposes and was approved by the Director of DAS. The executive director position did not receive a differential in 2013-15 when LAB rolled into the 2015-17 base budget, so it is necessary to request this now.

Policy Package #106, Fee Increase.

The OBCE is requesting fee increases to cover these policy packages and to provide the required months of ending cash balance. This policy package would generate \$323,164 of increased Other Fund revenue for the 2015-17 biennium.

The 2013 Legislature passed SB 106 which allowed the OBCE to set license fees by administrative rule without the previous limitations on those fees. That legislature also based the approved budget on license fee increases that took effect on November 1, 2013.

License/Certificate	Pre-Nov. 2013	Current	New	National range*
Doctor of Chiropractic (DC)				
DC Regular Active Renewal	300	350	425	51.50 - 565
DC Senior License Renewal	225	262.50	318.80	unknown
DC Initial License	100	100	150	0 - 568
Inactive DCs Renewal	175	175	225	100 - 250
DC Application	150	150	250	unknown
Late Renewal Penalty	100	100	125	unknown

* Federation of Chiropractic Licensing Boards website: www.fclb.org

DCs renew online annually during their birth month. They have a 30 day grace period in which they can still practice. If they miss the renewal window, they are assessed a late renewal penalty of \$100/week not to exceed \$500. That late renewal penalty would increase to \$125/week with this policy package. Once beyond that 30 days, they are considered unlicensed and must stop practicing. DCs can recover their lapsed license up to one year from their birth month renewal time and if their continuing education and other requirements are up to date.

The Oregon Chiropractic Association (OCA), the statewide professional association for chiropractors, their membership, in addition to other DCs, were notified of these proposed increases in our electronic newsblast in November 2014, in addition to meetings with our Board chair. The OCA is not able to provide a letter in support of these fee increases due to their current board transitioning membership, but they have supported fee increases in the past.

Thank you for your time and consideration.

Sincerely,



Dr. Daniel Côté
OBCE Chair



Cassandra C. Skinner, J.D.
OBCE Executive Director