



Oregon

Kate Brown, Governor

Oregon Board of Chiropractic Examiners

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Education Subcommittee Joint Ways & Means Committee February 10, 2021

Testimony of Cass McLeod-Skinner, J.D., Executive Director, and Franchesca Vermillion, D.C., OBCE President

Governor's Budget – SB 5507

The Oregon Board of Chiropractic Examiners (OBCE) is an Other Funded agency 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. We have 5.1 FTE staff (6 positions), including two Administrative Specialists (one at 1.0 FTE, one at .75 FTE), an Office Specialist (.75 FTE), an Investigator (1.0 FTE – currently vacant), a Health Care Investigator (.6 FTE), and Executive Director (1.0 FTE). Our assigned Assistant Attorney General is a critical part of our team. We are in the recruitment process for our Investigator position. Our GRB submission is found here: https://www.oregon.gov/obce/Documents/OBCE_Governors_Budget.pdf

Licensee Overview

Licensee Types	9/1/16	1/1/17	1/1/18	1/1/19	1/1/20	1/1/21
DC - Active	1169	1189	1181	1218	1211	1232
DC - Inactive	295	290	292	264	221	192
DC - Senior	376	383	382	398	413	423
DC - Initial	77	73	90	85	91	70
DC Total	1917	1935	1945	1965	1942	1917
CA - Initial	116	271	299	282	437	382
CA - Renewing	1020	1041	1043	1017	934	990
CA Total	1136	1312	1342	1299	1371	1372
TOTAL	3053	3247	3287	3264	3313	3289

Licensee Demographics

As of February 1, 2021, of the 1867 DCs who have self-reported racial or ethnic data, for the three largest groups reporting: 62.7% reported as White/Caucasian, 28.6% reported as

Undetermined/didn't indicate/preferred not to answer, and 5% reported as Asian. If we assume that "Undetermined" often means White, then 91.3% of the DC licensee base is White.

Of the CAs who have self-reported racial or ethnic data, the largest groups reporting: 69.7% reported as White/Caucasian, 18.6% reported as Hispanic/Latino, and 4.6% reported as Asian. No CA reported as "Undetermined."

We met with the President and Admissions Dean of the University of Western States, the only chiropractic college in Oregon and the alma mater of most Oregon DC applicants, to discuss its recruitment and retention of both BIPOC professors and students, as that pipeline precedes our DC licensee base. They are ramping up their recruitment outreach and focusing on broader undergraduate institutions and programs and on Historically Black Colleges and Universities (HBCUs).

Complaint Overview

Complaints opened per year:

NUMBER OF NEW COMPLAINTS RECEIVED IN PREVIOUS YEARS		RECEIVED COMPLAINTS BY TYPE	2012	2013	2014	2015	2016	2017	2018	2019	2020
		Advertising	7	5	0	3	0	0	1	4	3
		Billing Issues	18	15	13	2	9	9	3	5	7
2002	75	Chart Notes	3	8	1	7	2	5	2	2	0
2003	92	Licensing/CE	12	11	8	6	13	13	15	87	21
2004	78	Miscellaneous*	18	12	12	6	6	10	7	7	7
2005	96	Practice w/o License	11	3	5	3	1	6	6	7	1
2006	86	Records Release	3	4	3	2	2	7	4	1	0
2007	95	Sexual Misconduct/ Boundaries	7	14	4	0	6	8	3	11	6
2008	72	Treatment	27	11	10	15	7	8	16	18	13
2009	78	Treatment / Billing	15	28	11	2	1	3	2	1	2
2010	70	Unprofessional Conduct	22	14	15	9	23	10	14	14	20

2011	130										
		COVID									16
		Total Complaints	143	125	82	55	70	79	73	157	96

*Miscellaneous for 2017 includes 2 failure to pay tax, 1 IME, 6 miscellaneous, and 1 excessive treatment complaints. Miscellaneous for 2018 includes 4 IME, 1 excessive treatment, and 2 miscellaneous complaints. Miscellaneous for 2019 includes 1 failure to pay tax, 1 child support, 1 IME, 1 rec release and 4 miscellaneous. Miscellaneous for 2020 includes 2 IME, 5 miscellaneous.

- Complaints resolved per year:

2013	2014	2015	2016	2017	2018	2019	2020
126	119	64	69	71	76	148	86

- 2019 was a unique, high volume, year as it was the first year of utilizing our citation authority for lower level violations - 148 cases were resolved which included 4 suspensions. For 2020, 86 cases were resolved, with 3 suspensions and 1 license surrender.

Key Performance Measures (KPMs)

During the 2017-19 legislative session, 3 new KPMs (#8-10) were approved to analyze the efficiency and efficacy of our investigation team and staff. The KPMs were given tentative targets with the understanding that an analysis of the data would occur to hone down more appropriate targets. As such, we recommend the following changes to KPM #8 and KPM #9.

KPM #8: Days between complaint receipt and investigation preparation for Board – Percent of cases having investigative reports written within 120 days from when a complaint is received to when the investigation is prepared for Board review/action. The initial target was set for 80%. Since the KPM’s inception, the highest % we have achieved is 40%.

A target reduction from 80% to 60% would be appropriate, considering our current investigative staff size.

KPM #9: Days between investigation preparation and presentation to the Board – Percent of cases, with a prepared investigation that is ready for Board review/action, that are presented to the Board within 30 days of completion. The initial target was set for 90% with an upward trend meaning a positive result. We met this KPM in 2017 but have steadily had a downward trend, which at first glance, may seem problematic and a reflection of inefficiency but the opposite is actually the case. Our board meets every other month, with the meetings during our latest reporting period occurring an average of 50 days apart. The purpose of this KPM was to analyze how quickly the cases with finished investigations came before the Board – whether at the very next meeting after finalization or at subsequent meetings. With the vacancy of one of

investigator positions during all of 2020, the process of finalizing each of our investigation reports became more efficient (fewer steps in the review process). Investigation reports are being written and submitted for Board review earlier in the process – a longer period of time before the next available meeting – and well within the window for submission instead of running closer to the submission deadline and being bumped to the next meeting.

With more efficiency, it is anticipated that we will see a continued increase in days between investigation report to Board review (downward trend) and a greater discrepancy with the current 30 day target. We may want to consider modifying the 30 day target to 60 days to get to the underlying purpose of this KPM or reframe the report so that a downward trend is a positive result.

COVID-19 Response

In March 2020, the OBCE implemented temporary rules to allow for payment plans for licensee renewals and postponement of certain CE requirements for first year DC renewals. Additionally, during that beginning time of COVID, the Board suspended background checks for those who were experiencing hardship in obtaining the checks from local processing offices that had been closed. The Board allowed the 180 day temporary rules to lapse in due course and background checks resumed once those businesses were able to reopen.

In July 2020, the OBCE implemented another 180 day temporary rule requiring facial coverings to be worn in office settings by licensees and patients and to abide by Executive Orders and OHA guidance. The Board allowed the temporary rule to lapse in due course and, as of January 21, 2021, implemented a permanent rule requiring facial coverings to be worn and abiding by relevant Executive Orders and OHA guidance.

inLumon Licensing Database Management System

During the 2019-21 biennium, we were granted a \$40,000 POP to initiate implementation of transitioning from our legacy 1990s Microsoft Access licensing database to the inLumon Software as a Service solution. We are in mid-development, with an anticipated on-time roll out scheduled for May, 2021.

Fees

Fees in effect since November 1, 2020:

DC Application	\$100	CA Application	\$30*
DC Regular Active	\$425	CA Initial Certification	\$50
DC Senior License	\$315	CA Renewal	\$75
DC Initial License	\$150		

DC Inactive	\$225			
Late Renewal Penalty	\$125 per week up to \$500			

*We decreased our CA application fee from \$50 to \$30 as of November 1, 2020, due to the delegation of the CA examination through NBCE and their increased charge. The total the applicant pays remains the same.

We are not requesting any fee increases for the 2021-23 biennium but anticipate doing so for 2023-25.

Budget Requests and Ending Cash Balance

We are making no additional requests at this time. We'll have an estimated ending cash balance for 2023 of \$448,357, approximately five months of operating expenditure in reserve.

Thank you for your time and consideration.

Sincerely,



Dr. Franchesca Vermillion
OBCE President



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

PROGRAM PRIORITIZATION FOR 2021-23

Governor's Budget

30-Jul-20

Agency Name		Oregon Board of Chiropractic Examiners																		Cassandra McLeod-Skinner, Ex. Dir., 503 373-1620			
2021 - 2023 Biennium		The Mission of the Oregon Board of Chiropractic Examiners (OBCE) is to protect the public by regulating the practice of chiropractic.																		Agency Number:		00811	
Agency-Wide Priorities for 2021-23 Biennium																							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22		
Priority (ranked with highest priority first)	Dept. Initials	Program or Activity Initials	Program Unit/Activity Description	Identify Key Performance Measures)	Primary Purpose Program-Activity Code	GF	L	F	OF	NL-OF	FF	NL-FF	TOTAL FUNDS	Pos.	FTE	New or Enhanced Program (Y/N)	Include as Reduction Option (Y/N)	Legal Req. Code (C, D, FM, FO, S)	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)	Comments on Proposed Changes to CSL included in Agency Request		
	Dept	Prgm/Div	(Percentage computation is based on an Estimated Breakout of Program by staff, Board, Peer Review, and AAG time.)		Ag				2,121,070														
1	OBCE		Public Protection (Complaints, Investigations, Peer Review, Board Review, Disciplinary Actions, Probation monitoring, Mentoring Plans, Legal) 65%	KPM 1-3, 8-10	3				1,378,696				\$ 1,378,696	3.00	2.60	N	Y	S	ORS 684				
2	OBCE		Licensing (Application, Examination, Continuing Education, Applicant background checks) 19%	KPM 4-5	3				403,003				\$ 403,003	1	1.00	Y	N	S	ORS 684				
3	OBCE		Public & professional information (License verifications, Web page, policy governance, policy & practice questions, administrative rulemaking, standards of practice development) 10.5%	KPM 6	3				222,712				\$ 222,712	1	0.75	N	Y	S	ORS 684		Comment for Priority # 2: Includes Merchant fees for online license renewal		
4	OBCE		Board Support (Administration, budget, DAS reporting, performance measures, personnel, contracts, also state government assessments, revenues, correspondence, filing, accounting) 5.5%	KPM 6-7	4				116,659				\$ 116,659	1	0.75	N	Y	S	ORS 684				
									2,121,070	-	-	-	\$ 2,121,070	6	5.10								

Document criteria used to prioritize activities:

Criteria for 2021-23 Budget Development

I. Does the budget item address the Mission and specific outcomes to be achieved of the Strategic Plan, i.e.

- Assure Public Protection
- Enhance Professional Competency
- Establish and Implement High Professional Standards
- Streamline agency operations

II. Does the budget item solve or reduce a current problem, or will it prevent or reduce future problems?

III. Will the budget item result in improvement in Board services?

- 7. Primary Purpose Program/Activity Exi**
- 1 Civil Justice
 - 2 Community Development
 - 3 Consumer Protection
 - 4 Administrative Function
 - 5 Criminal Justice
 - 6 Economic Development
 - 7 Education & Skill Development
 - 8 Emergency Services
 - 9 Environmental Protection
 - 10 Public Health
 - 11 Recreation, Heritage, or Cultural
 - 12 Social Support
- 19. Legal Requirement Code**
- C Constitutional
 - D Debt Service
 - FM Federal - Mandatory
 - FO Federal - Optional
 - S Statutory