

Oregon Board of Chiropractic Examiners

	2019-21 Actual	2021-23 Legislatively Adopted	2021-23 Legislatively Approved *	2023-25 Current Service Level	2023-25 Governor's Budget
Other Funds	1,685,453	2,146,466	2,173,510	2,291,220	2,569,716
Total Funds	1,685,453	2,146,466	2,173,510	2,291,220	2,569,716
Positions	6	6	6	6	6
FTE	5.10	5.10	5.10	5.10	5.75

* Includes Emergency Board and administrative actions through December 2022.

Program Description

The mission of the Oregon Board of Chiropractic Examiners (OBCE) is to serve the public, regulate the practice of chiropractic care, promote quality, and ensure competent ethical health care. The Board regulates Doctors of Chiropractic Medicine and Certified Chiropractic Assistants through examination, licensing, and disciplinary programs. The seven-member board is appointed by the Governor and composed of five chiropractic physicians and two public members.

CSL Summary

The 2023-25 current service level (CSL) for OBCE is \$2,291,220 Other Funds and supports six positions (5.10 FTE), which is 5.1% higher than the 2021-23 Legislatively Approved Budget. This increase is primarily due to attorney general expenditures significantly increasing over the past two biennia to address the increase in backlogged cases.

Governor's Budget Summary

The 2023-25 Governor's budget for OBCE is \$2,569,716 Other Funds and supports six positions, (5.75 FTE), which is 18.2% higher than the 2021-23 legislatively approved budget. The Governor's budget includes a 20% fee increase across all fee types and includes the following policy option packages requested by the agency, totaling \$313,073 Other Funds:

POP 100: The Database Implementation and Maintenance budget request will increase the Board's Other Funds expenditure limitation by \$50,000 to fully implement and maintain the inLumon Software. InLumon will replace the Microsoft Access database that has been in use since 1993. This database will provide a more user-friendly interface for applicants, licensees, and staff. The \$50,000 request is in addition to the original funding provided in 2019-21 of \$40,000.

POP 101: The budget request to increase the Healthcare Investigator Position to 1.00 FTE will increase the Board's Other Funds expenditure limitation by \$112,349. This position is currently 0.60 FTE. The Board is requesting an additional 0.40 FTE to include educational programming to the Healthcare Investigator position description.

POP 102: The reclassification of the Administrative Assistant 2 (AS2) to a Program Analyst budget request will increase the Board's Other Funds expenditure limitation by \$26,514. The current employee is working out of class to fulfill all required duties of this position. The Board is determining whether this position should be split into two positions: An Office Specialist 1 (OS1) to handle the Certified Chiropractic Assistants (CA) program and a Program Analyst or an Operations & Policy Analyst for the IT management, DAS reporting, and other duties currently done by the AS2 outside of the CA program.

POP 103: The reclassification of the OS1 to OS2 and increase the FTE from 0.75 to 1.00 budget request increases Other Funds expenditure limitation by \$34,210. This position is currently vacant and has been temporarily hired at the OS2 level to fulfill the duties and responsibilities assigned to the OS1 level.

POP 104: The transition to DAS IT desktop support budget request increases the Other Funds expenditure limitation by \$50,000. The Board currently receives private desktop support IT services through a third-party vendor. Due to the Board transitioning to inLumon SaaS (software as a service) cloud service for licensing, compliance, and investigation programs and the DAS Data Center, the Board anticipates greater efficiency if DAS IT Desktop Support assists with other IT needs. OBCE plans for this transition to take place after inLumon is implemented.

POP 105: The Board Member per diem budget request increases the Board's Other Funds expenditure limitation by \$40,000. The request implements House Bill 2992 from the 2021 Legislative Session.

The Legislative Fiscal Office (LFO) notes that the Board's ending balance for the 2023-25 biennium will be approximately \$375,298 or 3.5 months of reserves. The Board's primary source of revenue is generated from fees paid by professionals and license renewals are based off licensee birth month which results in monthly revenue collections. 93.5% of revenue is generated from licensure, applications, and examinations from professionals and 6.5% of revenue is generated from civil penalties, late renewal fees, and miscellaneous administrative charges. OBCE last increased fees in the 2013-25 biennium.

Other Significant Issues and Background

The Board has seen an increase in complaints since the onset of COVID-19 surrounding licensee's personal protective equipment use and non-use, proliferation of misinformation and claims on fraud via online sources, and lack of cultural competency, communication, and cross-cultural understanding. The Board has since filled the Investigator 2 and Doctor of Chiropractic Health Care Investigator position and is currently addressing the backlog of cases.

OBCE did not meet many of their Key Performance Measures; in particular, investigation targets, misconduct/boundary complaints, customer service and physicians meeting annual continuing education requirements. The Board noted that struggles meeting their investigation targets

and audit procedures on continuing education requirements, were due to unanticipated COVID-19 issues and being short-staffed. The Board is now fully staffed and is working to improve their results.

OBCE is the only Health Professional Regulatory Board to track and report on sexual misconduct/boundary complaints. These unique complaints are much more time consuming and complex due to multiple victims (adults and minors) and witnesses involved, involvement of multiple licensing and law enforcement agencies, cross jurisdictional (state and county) issues, and evaluation of the perpetrating physician. Cases that involve multiple law enforcement or state agencies (sheriff departments, local police, DHS, DOJ, county District Attorneys, school districts, etc.) are opened when the Board receives a complaint or notice of arrest and then put on hold until the closure of the criminal proceedings, which is why the three cases that were closed were open for an average of 420 days.

OBCE notes that implementing the Governor's Executive Orders, OHA's vaccine and masking requirements, and the Board's rules regarding appropriate COVID-19 protocols and requirements to protect the public from COVID has caused conflict between the agency, the professional association, and many licensees. The pushback from licensees regarding the facial covering requirement continues to be controversial issue and weighs in the Board's overall customer service results. Although the total number of chiropractic physicians and chiropractic assistants have remained relatively stable since 2017, OBCE monitored the number of applications and licensees choosing to renew their license when COVID-19 vaccination requirements and public health safety protocols became effective. The Board experienced strong pushback from licensees regarding the new requirements but overall, has not seen a significant decrease in the number of licensees.

Key Performance Measures

A copy of the OBCE Annual Performance Progress Report can be found on the LFO website:

https://www.oregonlegislature.gov/lfo/APPR/APPR_OBCE_2022-10-05.pdf