



Oregon

Kate Brown, Governor

Oregon Board of Chiropractic Examiners

530 Center Street NE, Suite 620

Salem, OR 97301

Phone: (503) 378-5816

FAX: (503) 362-1260

E-mail: oregon.obce@oregon.gov

www.oregon.gov/obce

Oregon Board of Chiropractic Examiners (OBCE)

Public Notice & E-Newsletter Update

June 2020

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President's Report



Advertising Rules

Our advertising [rules](#) are in place to protect the public. In a time of national crisis, many chiropractors in the US and Canada are receiving negative attention for promoting supplements as a means to prevent or cure the current COVID-19 virus. These are being determined as false and misleading statements not only by the state boards but also the Department of Justice (DOJ). This can lead to fines and sanctions from both the DOJ and your Board. It is important at this time to remember we are professionals and not here to take advantage of people's fear around the virus. Promoting adjustments as a means of curing COVID-19 is not acceptable. Promising that adjustments will keep people from catching COVID-

19 is also unacceptable. Our advertising rules require that you, as healthcare professionals, advertise in such a way as to be able to prove the statements and claims being made. If you are not able to prove it, you should not advertise or say it.

If chiropractors are noticing other chiropractors engaging in such behavior, you are required to file a complaint under our "Duty to Report" rule. If you happen to know the chiropractor personally, you may mention to them their advertising violates Oregon rule. The OBCE does not do random audits of chiropractors' websites or offices to make sure everyone complies. We count on you as professionals to know the rules and regulations and follow them.

Other than the current issues around the current pandemic, other common advertising violations lead to complaints and subsequent investigation from the Board.

With the uptick of Functional Medicine certifications and degrees, we have seen an increase of complaints surrounding nutrition and chiropractors claiming specialties they have not earned. Nutrition is well within the scope of chiropractic. However, as a Board, we are concerned with protecting patients from false or misleading advertising.

A more recent case involved a doctor labeling themselves as a “functional endocrine disorder doctor”, in person and on their website. This led one of the complainants to believe the chiropractor was an endocrinologist. In this particular case, when the licensee was questioned about the endocrine and functional medicine specialization, the licensee informed the Board that they had purchased books on the topic. When further questioned, the licensee admitted to not reading the books. The advertising was targeted to pull in patients with issues such as thyroid and blood sugar complaints. The patients complaining, in this case, were confused about what type of doctor the licensee was and upset at paying thousands of dollars for supplement purchases and no change to their initial condition.

Other complaints have arisen from websites promoting the licensed Chiropractor as the “Number One Doctor in the city.” This is a claim of superiority over other doctors in the city and is not allowed. We’ve run into a few cases where the chiropractor paid to update their website and did not realize advertising violations arose from this. It is important to read through all the content someone else is posting or updating on your website. Again, if you can’t prove it, you shouldn’t say it.

Many chiropractors are noting a decrease of visits while the Stay at Home orders are in place. This is a great time to review your website and advertisements for the following:

1. Your advertisements and website indicate you are a chiropractor.
2. You are not claiming to be the number one/the best/superior chiropractor in your town/area.
3. You are not promising success rates on common musculoskeletal conditions.
4. You are not promising (explicitly or implicitly) to cure any condition or disease.
5. You are not claiming a degree from a school that does not exist.
6. You are not claiming to be a specialist in something without first completing the training/certification/degree program.

Francesca Vermillion, DC
President, OBCE

Executive Director’s Report



Public Interest

With COVID-19 has come uncertainty, fear, and a whole new way of being in our professional and personal lives. It has become a time of immediate change and longer reflection about immediate needs. We hope that you and your families are well and able to care for your patients and your community as best as possible.

We send out email blasts and update our website with the most recent Executive Orders and requirements from the Governor’s Office and OHA as soon as we learn of them. Please continue to review that material – as you know, changes are happening almost daily. Please also update your email address with us if you haven’t received those updates.

The OHA’s website (updated multiple times per day) is a wonderful resource for all things COVID related, including information about the SERV-OR program, for those interested in

volunteering to help the effort in mitigating the spread of the disease (<https://www.oregon.gov/oha/ph/preparedness/serv-or/pages/faq.aspx>).

Agency Changes

After 30 years(!) of amazing service to the OBCE, our own Kelly Beringer is retiring as of June 30, 2020. Please feel free to reach out and wish her well in her new adventures – she will be sorely missed.

Mackenzie Purnell will take over the Administrative Assistant 2 position that Ms. Beringer is leaving, beginning July 8. There may be some time lag in processing certified chiropractic assistant applications during this initial transitional time. We appreciate your patience.

Fiscal Responsibility and Accountability

While the state budget for the 2019-2021 biennia (and the projections coming out for the 2021-2023 biennia) have been hit tremendously hard by the fallout of the pandemic, our agency remains viable as we are not a part of the General or Lottery Funds. We currently do not anticipate a need to raise our fees for this or next biennium.

Due Process, Fairness, Transparent Governance

The Board has recently updated its application form for the certified chiropractic assistant program and it can be found on our website: <https://www.oregon.gov/obce/Pages/Chiropractic-Assistant.aspx>

Ethics & Jurisprudence Exam and the CA Exam

Both the Ethics & Jurisprudence Examination and the CA Examination have each been updated and will be available through the NBCE as of July 1, 2020.

2020 Board Meetings Schedule and Locations

The OBCE meeting and location schedule for 2020 is as follows and can be found on our website (www.oregon.gov/obce):

| | |
|-----------------|--|
| July 15-16 | via Zoom |
| September 17-18 | Coos Bay (TBD) – to be discussed at our July meeting |
| November 18 | Salem (OBCE office) |

If we can be of help to you or your staff in any way, please don't hesitate to contact us.

Cassandra C. McLeod-Skinner, J.D.

Executive Director, OBCE, 503-373-1620, cass.mcleod-skinner@oregon.gov

Temporary rules regarding CA and DC renewal

Due to the COVID-19 pandemic, and resulting hardships, the Board has adopted two temporary administrative rules:

1. Renewal payment/financial hardship - OAR 811-010-0083 [License Renewal Payment Plans \(COVID-19\)](#). In brief, a licensee (CA or DC) may request a 90-day payment plan, or deferral for a financial hardship. The request must be submitted to the Board prior to the licensee's renewal date. Continuing education, the OHA Healthcare Workforce survey, and a paper renewal form (provided by the Board) must still be completed, again, prior to the renewal date.

Doctors, contact Donna Dougan at donna.dougan@oregon.gov or 503-373-1579 for all details.

Chiropractic assistants, contact Kelly Beringer at kelly.beringer@oregon.gov or 503-373-1573 (soon to be Mackenzie Purnell at this same phone number).

2. Continuing education and chiropractic physicians renewing for the first time – OAR 811-015-0024 [Continuing Education Requirements for First Year DC Licensees \(COVID-19\)](#). In brief, the board-mandated subjects of over-the-counter, non-prescriptive substances, and evidence-based outcomes may be deferred to the licensee's second license renewal. The licensee must still complete six hours of general CE prior to the first year renewal. Refer to the temporary rule for details and timelines.

Concussion CE

Also, but not in relation to the COVID-19 pandemic, chiropractic physicians renewing for the first time are no longer required to complete the one-hour of concussion training. This policy change became effective February 1, 2020.

Kelly Beringer

Administrative Assistant, CA Program, 503-373-1573, kelly.beringer@oregon.gov

From Our Investigator

Telemedicine

With the Coronavirus / COVID-19 pandemic, all of our lives have been drastically impacted. In order to bring clarity to our previously adopted Telehealth rule (OAR 811-015-0066:

<https://secure.sos.state.or.us/oard/view.action?ruleNumber=811-015-0066>), the Board adopted a policy stating that the telehealth rule applies to both existing and new patients in Oregon.

Chiropractic physicians licensed in the state of Oregon can utilize telehealth for initial consultations and examinations provided that the following criteria and procedures are met, pursuant to all relevant administrative rules and statutes.

PROCEDURES:

1. Document telehealth visit start time.
2. Establish and document the reason for the telehealth visit.

3. Establish and document the primary complaint or complaints dealt with in the telehealth visit.
4. Ascertain, if after #2 and #3 above, a telehealth visit is possible. If so, go to # 5.
5. Take and document personal, family, and medical histories.
6. Perform visual evaluations and document:
 - a. patients self-report of height, weight, and if possible for them to ascertain themselves blood pressure and pulse.
 - b. Nutritional / dietary assessment if reason for virtual visit
 - c. postural analysis.
 - d. Visual ranges of motion; and
 - e. any contraindications to providing services via telehealth.
7. Document and provide patient a provisional diagnosis.
8. Document and provide patient a report of findings.
9. Document and provide patient a PARQ and a been a consent to provide care/treatment
10. document and provide patient clinical recommendations.
11. Document telehealth visit in time.

Also, so long as the chiropractic physician has a valid Oregon license to practice chiropractic and is consulting with an Oregon resident, the telehealth rule and policy, as well as all of our other rules and statutes apply, no matter physical location.

Frank Prideaux, D.C.

Healthcare Investigator; 503-373-1848, Frank.prideaux@oregon.gov