



Oregon

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Oregon Board of Chiropractic Examiners (OBCE)

Public Notice & E-Newsletter Update

January 2021

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President's Report



Boundary Violation Issues

Being in a profession where we are hands-on with our patients, it is clear our touch, even though intended to be therapeutic, can be interpreted as much more than that. During this last year, we are seeing a trend of more patients claiming to be touched inappropriately. When investigating these claims, it is often found that the doctor failed to explain why they worked near the groin or buttocks on these patients.

Informed consent helps the patient understand what will happen to them and what areas the doctor will be working on to relieve their pain. This year, several patients misunderstood why doctors put their hands on them because of insufficient explanations by the treating chiropractor. It is easy for chiropractors to fall into a standard treatment approach and forget patients may have insufficient knowledge of anatomy and do not correlate work on their iliopsoas or gluteal region to help back pain. Our job is to properly communicate where we will work on their body and why.

In addition to misunderstandings around sexual boundaries, we have also had patients misinterpret the doctor's questions. Patients need to know that we, as chiropractors, look at their whole health, and if we are inquiring into their marriage or sexual status, we state why we are doing this. Many patients tend to think we only need to know about their neck or back pain, and fail to relate other surgeries or other issues, not understanding how it plays into our clinical decision making.

A few recent complainants have mistaken the doctor asking if they are single and sexually active as opening the door to hit on them. Sometimes a simple preamble such as "I am going to ask general medical questions about your past health, which will range from surgeries to medications to your social living situation. This information is necessary for me to get an overall snapshot of your life and health" is all that is needed to allay those concerns.

Lastly, we have seen an increase in chiropractors engaging in intimate and sexual activity with their patients while still patients and with no documentation referencing termination of patient care. Oregon does not have a "cooling off" period or a set amount of time that you must wait before engaging in sexual activity with a former patient. Many times, chart notes do not indicate an ending of patient care and list "PRN." This type of documentation illustrates an ongoing doctor/patient relationship as is instructed to return as needed. Additionally, referring them to another provider in your clinic means the patient is being seen in your clinic and is still considered a patient. While there isn't a cooling-off period for former patients, remember there is an unequal power dynamic at play when engaging in a relationship with a former patient.

From our recent cases, it is clear some doctors do not consider kissing or hugs with personal intent as a crossing of sexual boundaries or inappropriate within the doctor/patient relationship. While the rule may be explicit about sexual contact, kissing and hugging are a part of inappropriate sexual relations within that power dynamic. The Board does not view the situation differently if the patient initiates the relationship since it is up to the chiropractor to know their state laws and rules and communicate this to a patient who has asked them out. We've also had cases where the doctor and patient kept showing up to the same places "as a coincidence." However, the investigation revealed they were dating on the down-low while still within the doctor/patient relationship dynamic. If you need further advice around engaging with a patient outside of your office, call your malpractice carrier. Some malpractice carriers will not help defend you if you knowingly violate state laws and rules.

Cultural Competency CE Requirements

For 2021 continuing education, the Board voted to mandate cultural competency continuing education. Cultural competency is an awareness and knowledge of specific skill sets, from behavioral to cognitive skills, that lead to effective and appropriate communication with people of other cultures. Healthcare will bring us in contact with multiple cultural backgrounds and attitudes towards healthcare, how patients wish to hear bad news, and possible misunderstandings within the doctor/patient relationship. Medicine has historically had issues surrounding sexism and racism, and physicians need to stay on top of these issues and analyze, and correct, their own implicit biases. Here are the hours required for the different DC license types:

License Type	Number of hours
Regular Active	6
Senior Active	2
First Year	2

The CE does not need to be completed by your license renewal date, but by the end of 2021. Typically, we do not ask our licensees to submit CE, but for mandated CE, we request completion certificates, in PDF format, be e-mailed to Donna Dougan, donna.dougan@oregon.gov.

Cultural competency includes a broad range of potential topics. We will accept any CE that offers awareness, attitude, knowledge, and skills around cultural competency. Examples of courses to look for could be providing care and communication to transgender individuals, homeless and houseless populations, People of Color, people with English as a second language, or sexism in medicine. Classes on anti-racism or implicit bias are also worthwhile areas to explore. The OBCE does not need to pre-approve courses but may put specific courses on a non-approved list. Please check the OBCE website for more specifics:

<https://www.oregon.gov/obce/pages/continuing-ed.aspx>

Individual insurance companies, the Oregon Health Authority, and several on-line CE companies already have multiple options for cultural competency courses available.

Francesca Vermillion, DC
President, OBCE

Executive Director's Report



Confidential Complaints

In the state of Oregon, anyone can file a complaint against a chiropractor or chiropractic assistant at any time. The on-line form is easy to find and fill out on our website. From the time the complaint is submitted, it goes to our investigators for review and investigation.

These complainants are protected by law and kept confidential. It may be evident the complaint involves one specific individual, however, that person/patient may not be the complainant. The OBCE protects complainants to help individuals feel comfortable coming forward with possible harm or violations done.

Once a complaint has been presented to the chiropractor to address, the chiropractor should not attempt to contact or determine who the complainant is. Any attempt to do so may be considered interfering with an active Board investigation and can lead to further penalties and sanctions. In a specific case, the chiropractor decided to “refund” the patient their money with the hope that the patient would drop “their” complaint only to later discover that the patient had no idea that there was an open complaint against the doctor and refused to return the attempted bribe. We've also had cases where the chiropractor went so far as to write a letter on behalf of the patient "dropping charges" when it was not the patient who filed the complaint. In both of these cases, the simple complaint compounded into multiple violations when the OBCE learned of the chiropractors' aggravating actions in question. It is considered unprofessional conduct to attempt to interfere with an open investigation.

Additionally, attempting to intimidate a complainant is a common problem, which is why the OBCE keeps all complainants confidential.

Should you have to be in the stressful situation of addressing a complaint against you, read the letter sent by the OBCE. Call your malpractice insurance carrier to discuss the letter; you have the right to have legal representation. Respond within the time required in the letter, send all the information asked, and work to avoid interacting with the patient in question if asked for specific patient information. Should any queries arise around the complaint, the OBCE investigators will respond to your questions.

Peer Review Committee (PRC)

Congratulations to Dr. Michelle Chard for her recent appointment to the PRC. We look forward to working with you!

Please note that Dr. Mark Gabriel was removed from service on the Peer Review Committee, effective January 14, 2021.

The Peer Review Committee (PRC) is a statutorily based committee that assists the Board in its complaint investigations and reports its findings and recommendations back to the Board. Members serve up to two three-year terms and often use their experience on PRC to apply for future Board membership. The OBCE currently has multiple openings. PRC workload is intermittent with meetings via Zoom. The OBCE encourages and welcomes diverse candidates who are located outside the Willamette Valley to apply, by sending your resume/CV and cover letter to Donna Dougan: donna.dougan@oregon.gov.

Continuing Education Credit Allowed for Attending Remote/Zoom Board Meetings

During the pandemic and while the Board only holds remote meetings, it voted to allow 2 hours of continuing education credit for licensees to attend remote/zoom board meetings, up to 6 hours/year. This applies retroactively to July 2020 and until remote meetings are no longer the only form of meeting.

inLumon Licensing Software Roll out

The Board has contracted with inLumon to transition away from our legacy Access licensing database and modernize, allowing for our applicants and licensees to be able to track the status of their applications, continuing education compliance, renewal requirements, and any communications with the Board, online and via any device. We are in the testing stages right now and hope to have full roll out in May 2021.

2021 Board Officers

Congratulations to Dr. Franchesca Vermillion, Dr. Michelle Waggoner, and Dr. Seth Alley, who were recently voted to be the Board's President, Vice President, and Secretary, respectively.

2021 Board Meetings Schedule and Locations

The OBCE meeting and location schedule for 2021 is as follows and can be found on our website (<https://www.oregon.gov/obce/Pages/Meetings.aspx>)

January 13-14	Remote
March 18	Remote
May 12-13	Remote
July 22	Remote
September 16-17	Remote
November 17	Remote

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, cass.mcleod-skinner@oregon.gov

Rule Hearings held during November's Board meeting:

1. **OAR 811-010-0093** Guide to Policy and Practice Questions. The Board voted to adopt the rule as amended.
2. **OAR 811-010-0110** Chiropractic Assistants. The Board voted to adopt the rule as amended.
3. **OAR 811-015-0005** Records. The Board voted to adopt the rule as amended.
4. **OAR 811-035-0015** Unprofessional Conduct in the Chiropractic Profession. The Board voted to adopt the rule as amended.

Rule Hearings held during January's Board meeting:

1. **OAR 811-010-0110** [Chiropractic Assistants](#). The Board adopted changes to reflect Measure 110 requirements.
2. **OAR 811-035-0007** [Facial Covering Requirements](#). The Board adopted this permanent rule as amended.
3. **OAR 811-035-0015** [Unprofessional Conduct in the Chiropractic Profession](#). The Board adopted changes to reflect Measure 110 requirements.

Initial Applicant Updates:

Electronic card payment is now being accepted for initial application and licensing. The website, DC, and CA applications has been updated to reflect this change. The OBCE requests that offices and individuals begin paying via debit/credit card instead of check or faxing credit card information. The ability to pay by check or faxed credit card information will be phased out as of April 1, 2021. Please send questions to Oregon.obce@oregon.gov

Mackenzie Purnell

Administrative Specialist II, CA Program, mackenzie.g.purnell@oregon.gov

DC Application Updates:

In our effort to process applications for an Oregon chiropractic license, we are asking that applicants request official electronic transcripts directly from their chiropractic college. In the past we have accepted these official transcripts through Parchment or regular mail. Regular mail has delayed the process of some applications because many school offices are now working remotely and their office cannot send mail in a timely manner. When making the request to the chiropractic college, applicants must request that the official transcript be sent to the OBCE directly. If an email is requested for this, the applicant can provide the following emails: Oregon.obce@oregon.gov or Miriam.lara@oregon.gov. For schools that do not have the option for official electronic transcripts, applicants should have the transcripts mailed to OBCE. Please know that this may cause a small delay. All fees associated with any request for official transcripts are the responsibility of the applicant.

Miriam Lara

Administrative Assistant, DC Program, miriam.lara@oregon.gov