



Oregon

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Oregon Board of Chiropractic Examiners (OBCE)

Public Notice & E-Newsletter Update

October 2021

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President's Report



Ivermectin Issues

In these COVID times, multiple warnings have come out about Ivermectin and people overdosing and becoming ill. The FDA and CDC have listed warnings against taking Ivermectin to prevent, cure, or mitigate COVID symptoms. Despite these messages, there are still practitioners recommending this medication for the prevention and treatment of COVID. Chiropractic physicians have also been recommending this medication for these purposes. This is a prescription medication and out of the scope of practice for chiropractic physicians to recommend or prescribe.

People have been attempting to obtain veterinary prescriptions for self-treatment. Ivermectin is commonly used in veterinary medicine as an anti-parasitic. Ivermectin for animals is highly concentrated because it is used for large animal breeds, like horses and cattle, that weigh much more than humans. Such high doses are highly toxic for human use. The FDA has received multiple reports of patients who have required medical support and hospitalization after self-medicating with Ivermectin intended for large breed use. Our local poison control center based at OHSU is also seeing a dramatic increase in Ivermectin poisoning.

The FDA has started to release warnings and cease and desist letters to those trying to prescribe or sell Ivermectin, for improper, off label use. There are multiple state licensing boards in Oregon investigating those who are inappropriately prescribing Ivermectin.

As chiropractic physicians, we will field all sorts of questions about these current issues. It is important to make the distinction when you are no longer able to talk about an issue as it is out of your scope.

References

Center for Disease Control and Prevention. August 9th, 2021 <https://emergency.cdc.gov/han/2021/han00449.asp>
Food and Drug Administration: <https://www.fda.gov/consumers/consumer-updates/why-you-should-not-use-ivermectin-treat-or-prevent-covid-19>

Language Services

The Board is often asked if chiropractic physicians are required to provide translation services for their patients. While the OBCE does not have rules on this, ORS 413.552 outlines the requirement for providing these services through certified or qualified Health Care Interpreters in a licensed healthcare setting. A state registry is kept through OHA <https://hciregistry.dhsoha.state.or.us/>

Additionally, all providers who receive federal funds from HHS for the provision of Medicaid/CHIP and Medicare services are obligated to make language services available to those with Limited English Proficiency (LEP) under Title VI of the Civil Rights Act and Section 504 of the Rehab Act of 1973.

States are not required to reimburse providers for the cost of language services, nor are they required to claim related costs to Medicaid/CHIP. States may consider the cost of language services to be included in the regular rate of reimbursement for the underlying direct service. In those cases, providers are still obligated to provide language services to those with LEP and bear the costs for doing so. Still, states do have the option to claim Medicaid reimbursement for the cost of interpretation services, either as medical-assistance related expenditures or as administration. ([medicaid.gov](https://www.medicicaid.gov)). Specific CPT codes are billable along with the procedural codes to indicate translation services were used.

Some patients may be able to converse well in English but are unable to speak well when it comes to health care terminology or if they are scared and in pain. Family members, unless they are trained to be a qualified interpreter, can only work in emergency situations.

Language services can be provided for in person, over the phone, or with video conferencing. It is the duty of the provider to provide and pay for these services.

More information and resources are provided through Think Cultural Health at <https://thinkculturalhealth.hhs.gov/clas/standards>. It is important to offer language services and have this services offered in their language, in writing.

References

https://www.oregon.gov/oha/OEI/HCIMtgDocs/ORS%20413%20550_3_5_2018_CLEAN.pdf

<https://www.medicicaid.gov/medicaid/financial-management/medicaid-administrative-claiming/translation-and-interpretation-services/index.html>

<https://www.cms.gov/About-CMS/Agency-Information/OMH/Downloads/Issue-Briefs-Understanding-Communication-and-Language-Needs-of-Medicare-Beneficiaries.pdf>

Franchesca Vermillion, DC
President, OBCE

Executive Director's Report



OBCE Welcomes Dr. Craig Kawaoka and Heather Gilker

The OBCE is pleased to announce that Craig Kawaoka, DC, MEd, DACBSP, has joined its ranks as its Healthcare Investigator. For the previous ten years, Dr. Kawaoka was an Attending Physician at the University of Western States. He earned his DC degree from Southern California University of Health Sciences and has been a clinician and clinical educator for over 20 years. He earned his Diplomate from the American Chiropractic Board of Sports Physician, and Masters in Education from Concordia University-Portland. His clinical specialty is in sports injuries, performance, active care, and general practice. He has been a Director of Sports programs, Medical Director, and Team doctor and on medical staffs for various organizations and events in amateur up to professional athletics. Dr. Kawaoka has done preclinical, clinical, and post-

graduate instruction, centering on sports medicine. His professional experience in both chiropractic and education has already been an asset to the OBCE and will continue to be so for years to come.

WELCOME, Dr. Kawaoka!

The OBCE also welcomes Heather Gilker as our newest Office Specialist. Heather has held a variety of administrative and licensed positions including working as a Certified Chiropractic Assistant and a Licensed Massage Therapist. She looks forward to helping applicants through their licensing process and in assisting the Board in its work.

WELCOME, Heather!

OBCE Seeks Members for Board Membership

The OBCE is seeking one (1) member of the public and one (1) chiropractic physician to fill upcoming open seats on the Board. The Board consists of five (5) chiropractic physicians and two (2) members of the public who are appointed by the Governor and confirmed by the Senate for up to two (2) three (3) year terms. Please share this information with your colleagues.

For further information on how to apply for appointment:

https://www.oregon.gov/gov/admin/Pages/How_To_Apply.aspx

Oregon Health Authority's Health Evidence Review Commission (HERC) Seeking Members

The HERC is seeking volunteer subcommittee members for both its Evidence-based Guidelines Subcommittee (EbGS) and its Value-based Benefits Subcommittee (VbBS). There are no specific requirements for membership on these committees, but the Commission is particularly interested in applicants who are surgeons or chiropractic physicians. Additionally, the Commission is always in need of volunteers with expertise in pediatrics, obstetrics, family medicine, and internal medicine.

To apply, complete the [HERC Subcommittee Application](#). Email HERC.Info@dhsoha.state.or.us with any questions.

All positions are open until filled and applications will initially be evaluated beginning November 1, 2021.

Gala v. Board of Chiropractic Examiners, 313 Or App 664 (2021)

On August 4, 2021, the Oregon Court of Appeals affirmed the determinations made by the Board and its final order in the above-referenced case. The case involves complex issues including what constitutes a doctor-patient relationship, whether a “Healthy Living Plan” is subject to the chiropractic standard of care, what constitutes gross negligence, and whether a licensee can be disciplined for conduct relating to a patient who did not consider themselves a patient of that licensee. In addition to the other issues, the “Healthy Living Plan” was a lifestyle, nutrition, and wellness plan that was recommended for specific medical conditions and as such, was considered chiropractic practice and treatment and was offered as a treatment plan for those conditions. Calling a plan “wellness” does not relieve the chiropractic physician of their professional scope of practice. Recordkeeping, clinical justification, and any other relevant ORS and OAR still apply to care provided to all patients. As stated by the Court of Appeals: “...for a patient seeking problem-based care, the chiropractor would need to follow all the requirements of traditional chiropractic care.” If, in the totality of the circumstances, a chiropractic physician provides treatment and elicits patient health information, the doctor-patient relationship attaches.

The Court of Appeals opinion can be found here:
https://obce.alcsoftware.com/files/gala_3687_16_1007.pdf

Cassandra C. McLeod-Skinner, J.D.
Executive Director, OBCE, cass.mcleod-skinner@obce.oregon.gov

DC Program

Oregon’s License Verification Process

In the past, we provided a letter or filled out a third party form on behalf of licensees to verify their license for another state or entity. Our process has changed. The OBCE has been leveraging technology and moving to paperless processes, one of which is the Board’s verification of professional licenses. The OBCE has switched to digital verification of licenses for all of its license types (Doctors of Chiropractic and Certified Chiropractic Assistants). The process includes the use of information from our Licensee Lookup.

The Licensee Lookup is our electronic system that provides primary-source, real-time public licensing and discipline information 24 hours a day, free of charge. The licensing and discipline information can be scanned and forwarded, or the Licensee Lookup link provided, to the entity that requires the verification of licensure. We will now provide licensees requesting a license verification, a letter of “explanation of process.” This letter is to be sent with the verification as authentication of the process to the entity.

The Licensee Lookup is found here: <https://obce.alcsoftware.com/liclookup.php>

CE changes generally, cultural competency overall

New requirements were added in July 2021 to [OAR 811-015-0025](#), the rule regarding Continuing Education. The update was needed to include cultural competency continuing education per the requirements within House Bill 2011 and suicide intervention per the requirements of House Bill 2315. Please review the rule for changes to your required CE for your yearly renewal.

This new CE requirement came right in the middle of the cultural competency CE mandated for 2021. Please note that licensees are still required to complete the mandated CE for 2021. Once completed, please email certificates of completion to miriam.lara@obce.oregon.gov to receive credit for the cultural competency CE no later than December 31, 2021. All other CE certificates licensees will need to keep on file in case of audit. The hours of cultural competency CE completed pursuant to the 2021 mandate in excess of those needed for renewal may be used within the 20 hours required for renewal.

Updated CE due by renewal date: [OAR 811-015-0025](#)

Mandated CE due by 12/31/21:

<https://www.oregon.gov/obce/Documents/2021%20Cultural%20Competency%20Requirements.pdf>

Resources:

Cultural competency

<https://www.oregon.gov/obce/Documents/2021%20Cultural%20Competency%20Requirements.pdf>

Suicide Intervention Training Resources (you do not need to email me this certificate)

- Chiro Credit <https://www.chirocredit.com/>
- OHA website <https://www.gettrainedtohelp.com/en/>
- <https://www.gettrainedtohelp.com/en/>
- Question, Persuade, Refer (QPR) <https://www.eventbrite.com/o/lines-for-life-18244322500>

Miriam Lara

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

Rules Updates and Policy Changes

REMINDERS

Rule Hearings held during May's Board meeting

1. **OAR 811-010-0025** [Display of Renewal Certificate](#). The Board voted to adopt the rule as amended.
2. **OAR 811-010-0086** [Annual Registration](#). The Board voted to adopt the rule as amended.

3. **OAR 811-010-0110** [Chiropractic Assistants](#). The Board voted to adopt the rule as amended.

Rule Hearings held during July's Board meeting

1. **OAR 811-010-0085** [Chiropractic License Application Requirements](#). The Board voted to adopt the rule as amended.
2. **OAR 811-010-0110** [Chiropractic Assistant](#). The Board voted to adopt the rule as amended.
3. **OAR 811-015-0025** [Continuing Chiropractic Education](#). The Board voted to adopt the rule as amended.
4. **OAR 811-035-0019** [Sexual Unprofessional or Dishonorable Conduct](#). The Board voted to adopt the rule as amended.

Rule Hearings held during September's Board meeting

1. **OAR 811-010-0093** [Guide to Policy and Practice](#). The Board voted to adopt the rule as amended.
2. **OAR 811-035-0007** [Facial Covering Requirements](#). The Board voted to adopt the rule as amended.
3. **OAR 811-035-0015** [Unprofessional Conduct in the Chiropractic Profession](#). The Board voted to adopt the rule as amended.

Rule Hearings to be held during November's Board meeting

1. **OAR 811-010-0008** Fees. The Board will review and update background check fee to reflect an increase by OSP.
2. **OAR 811-010-0110** Chiropractic Assistants. The Board will include language from sexual misconduct rule and updating subsection with COVID-19 related updates.
3. **OAR 811-015-0025** Continuing Chiropractic Education. The Board will update senior active section and implement CE reporting requirements.
4. **OAR 811-035-0007** Facial Covering Requirement. The Board will address the references to the COVID-19/pandemic and a declared emergency rule effectiveness and applicability.
5. **OAR 811-035-0015** Unprofessional Conduct in the Chiropractic Profession. The Board will modify section 1 and 27 regarding language from the sexual unprofessional conduct rule and actions during an emergency declaration.

InLumon/CE Submission

The OBCE is in the process of implementing a new licensing software system which will provide fully online DC/CA applications, online renewals, and a continuing education log. With the ability to upload continuing education throughout the year, licensees will have the ability to

store CE certificates of completion to simplify the renewal process. When licensees are audited, the OBCE staff will be able to review the uploaded CE certificates through the software.

The OBCE will send out further information and instruction once the software is ready to go live.

Initial CA Applicant Updates

Doctors, Chiropractic Assistants, and Clinic Staff have recently asked about “expediting” the CA application process. Please be aware that all applications are reviewed within a few days after being received. Some applications arrive incomplete or without proof of payment. To shorten the initial timeline, please include a receipt of payment and completed training form. When fingerprint and exam instructions are sent to the applicant, please encourage applicants to schedule a fingerprint appointment and pay for the exam as soon as possible.

If applicants disclose any arrests/charges/convictions, it is in their best interest to provide documentation with their initial application. These court/police documents are required for a complete application and OBCE staff will be in communication with the applicant. This is the best way for a chiropractic office or applicant to advance the application. If the applicant has these types of issues in their background, doesn't disclose such issues, and the background check reveals them, the follow up can be extensive and time consuming.

Mackenzie Purnell

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

From Our Investigator

Phishing/Scamming

Recently, there has been an increase in phishing/scamming attempts being made to our governing boards, their staff, and licensees. One such caller on a call made to an OBCE former licensee claimed to be a representative of the OBCE. The call started with a supposed “clerk” providing a docket/case number. The supposed OBCE caller provided a badge ID number and claimed the call involved a federal case. The caller was very aggressive. The former licensee hung up and immediately contacted the Board to verify the call. An excellent and wise decision. I say former as the licensee had moved and is practicing out of state. Former licensees are not immune to phishing/scamming tactics.

This has not only involved the OBCE, but has also occurred with the Boards of Dentistry, Physical Therapy, and Pharmacy, as well as their staff and licensees. They have had scammers claim to be board staff and/or federal investigators gathering information or claiming they owe money and/or fine. Some have even contacted the HR department and/or supervisors trying to get personal information on the employee to be used to scam the employee.

Call/email us directly and immediately to verify if you receive any suspicious inquiry. For your reference, below is a list of personnel working for the board. If anyone outside of this list contacts you, please feel free to contact one of us to confirm the legitimacy of the communication.

OBCE staff:

Cassandra McLeod-Skinner

Miriam Lara

Mackenzie Purnell

Heather Gilker

Craig Kawaoka

George Finch

Dr. Craig Kawaoka

Healthcare Investigator, craig.kawaoka@obce.oregon.gov