

SENATE COMMITTEE ON
LABOR AND GOVERNMENT OPERATIONS

Hearing Room
Tapes - 53

MEMBERS PRESENT:

Sen. Gene Derfler, Chair
Sen. Brady Adams, Vice-Chair
Sen. Neil Bryant
Sen. Bob Kintigh
Sen. Bill McCoy
Sen. Randy Leonard

MEMBER EXCUSED:

STAFF PRESENT:

Rita Thomas, Committee Counsel
Amy Baker, Committee Assistant

MEASURES HEARD:

SB 369- Work Session
Informational Hearing Chiropractic Board

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings,
please refer to the tapes.

TAPE , A

002 CHAIR DERFLER: Opens WORK SESSION on SB 369.

004 RITA THOMAS: Discusses changes made to SB 369 proposed
amendments[EXHIBIT A]

067 RITA THOMAS: Continues discussing changes made to SB 369 proposed
amendments. [EXHIBIT A]

085 CHAIR DERFLER: Discusses status of SB 369.

095 SEN. LEONARD: Asks questions relating to fiscal analysis?

135 Larry Young: Deputy administrator for Workers' Compensation Division,
section 49 amends ORS 656.622, Rehabilitation Assistance Reserve.

168 SEN. LEONARD: Can the money in that fund be used for any other purpose?

175 LARRY YOUNG: Yes, the reserves can be assigned to different reserves as
the monies are needed.

200 SEN. LEONARD: Are you saying the figures on the fiscal analysis did not
come your office?

205 LARRY YOUNG: This is the product of the Legislative Fiscal Office, we
supplied their office with our figures.

243 SUSIE JORDAN: Benefits Section manager for Workers' Compensation.
Discusses funds used to reimburse defense costs.

252 SEN. LEONARD: Could you give me an example of where a defense cost
comes from?

255 SUSIE JORDAN: The cost comes from the legal defense of a denial.

310 CHAIR DERFLER: Questions issues raised by the fiscal impact statement.

350 CHAIR DERFLER: You anticipate \$80,000.00 a year to development medical
fee schedules?

360 LARRY YOUNG: This cost includes all medical fee schedules.

381 VIRLENA CROSLLEY: The \$80,000.00 a year is the worst case scenario.

TAPE 52, A

002 SEN. ADAMS: I understand that section 59 will cost an estimated \$9.5
million dollars, can you explain that?

023 CHAIR DERFLER: Why is possible to figure out the increasing costs and
not the decreasing costs?

025 VIRLENA CROSLLEY: The board has not had the opportunity to review the
A-engrossed SB 369.

042 MOTION: SEN. ADAMS: Moves to adopt amendments dated 2/17/95 and the
errata introduced today.

049 SEN. LEONARD: Discusses his reservations with passing out the bill at
this time due to the fiscal impact statement which is still in conceptual
form.

071 SEN. BRYANT: Speaking to section 49, I understand this may actually be
a savings to the system.

085 SEN. LEONARD: Are there other examples in state government where the
state reimburses private business for defense costs?

089 SEN. BRYANT: Discusses the motives behind this expenditure.

111 SEN. LEONARD: Who pays the injured workers attorney's fees?

112 SEN. BRYANT: I think it is the system that pays if the denial is not
upheld.

140 SEN. MCCOY: Are you going to wait until the final fiscal statement
comes out?

142 CHAIR DERFLER: We will be voting on the motion already on the floor.

150 VOTE: 4-2 MOTION PASSES
AYE: Derfler, Bryant, Adams, Kintigh
NO: McCoy, Leonard

155 MOTION: SEN. ADAMS: Moves SB 369 AS AMENDED TO FULL COMMITTEE with a DO
PASS recommendation.

VOTE: 4-2 MOTION PASSES
AYE: Derfler, Bryant, Adams, Kintigh
NO: McCoy, Leonard

161 SEN. LEONARD: Serves notice of intent to file minority report.

170 CHAIR DERFLER: Closes WORK SESSION on SB 369.

185 CHAIR DERFLER: Discusses why the committee is holding an information
hearing on the Chiropractic Board.

200 J. MICHAEL BURKE: Begins testimony on Chiropractic Board & Independent
Medical Examinations (IME). [EXHIBIT B]

245 J. MICHAEL BURKE: Continues the testimony on IME.

250 SEN. BRYANT: Asks for clarification on the specific case to which he
speaks.

310 J. MICHAEL BURKE:: Continues testimony following [EXHIBIT B].

330 SEN. MCCOY: Do you do IMEs in any other state?

331 J. MICHAEL BURKE:: Yes, Hawaii.

335 SEN. LEONARD: Are you saying that because you trying to do a fair
impartial job your peers feel you are turning on them?

339 J. Michael Burke: yes, to a certain extent, my reports of fraudulent
reports were a direct cause of hostility from these colleagues.

370 CHAIR DERFLER: How would you suggest that we correct the problem of
fraudulent claims by examining doctors?

375 J. MICHAEL BURKE:: One problem is that the board is made by political
appointments.

410 J. MICHAEL BURKE:: Discusses some changes that he believes should be
enacted.

TAPE 51, B

010 J. Michael Burke: continues discussion of problems with the board and
how the problems could be resolved.

050 J. Michael Burke: The board is a public agency, it exists to protect
the public and I am here today because it's accountability is under the
control of this committee.

057 RICHARD PETERSON: Begins testimony on the Chiropractic board.[EXHIBIT
C]

100 RICHARD PETERSON: Continues testimony following [EXHIBIT C].

150 RICHARD PETERSON: Begins detailing how the board could be improved.

165 RICHARD TILDEN: Begins testimony relating to the Chiropractic
Board.[EXHIBIT D]

200 RICHARD TILDEN: Continues testimony following [EXHIBIT D].

242 RICHARD TILDEN: Discusses his petition before the court of appeals.
313 GENE PLATT: Attorney for Dr. Tilden. Here to testify on the loose ends
of Richard H. Tilden's testimony.
338 GENE PLATT: Discusses the make-up of the Chiropractic Board.
368 GENE PLATT: Continues testimony on the board and peer review group.
415 GENE PLATT: Continues testimony on the board and peer review group.

TAPE 52, B

031 SEN. BRYANT: What is the process to change the board make-up or
structure?
047 SEN. BRYANT: Do you believe that if the an IME doctor is added to the
board that that would effect the board negatively?
055 GENE PLATT: Yes.
082 PATRICK BOYD: Begins testimony on Chiropractic Board. [EXHIBIT E]
118 PATRICK BOYD: Continues testimony on corruption in the Chiropractic
Board. [EXHIBIT E]
150 PATRICK BOYD: Continues testimony on the abuses by the Chiropractic
Board.[EXHIBIT E]
180 PATRICK BOYD: Discusses what he believes were abuses in procedures and
judgment by the board. [EXHIBIT E]
185 SEN. BRYANT: Did the patient file any civil or criminal cases against
you?
186 PATRICK BOYD: No. The board was the only institution who brought
charges against me.
198 PATRICK BOYD: Who is the board answerable to? If you don't know the
answer, then please point us in the area to find out the answer.
225 CHRISTIE JOACHIM: Executive Director for the Chiropractic
Board.[EXHIBIT F]
281 CHRISTIE JOACHIM:: Continues testimony on Chiropractic Board.[EXHIBIT F]
318 SEN. BRYANT: Who is your current attorney general that represents you?
320 CHRISTIE JOACHIM: Kevin Shuba is the current AG assigned to the board.
338 SEN. MCCOY: Does the IME doctor works for the insurance company?
340 CHRISTIE JOACHIM: I am not sure if they have contracts with the IME
doctor, but typically it is the insurance company that pays for the IME.
380 CHRISTIE JOACHIM: Discusses the process of investigating violations and
the peer review process.

TAPE 53, A

031 CHAIR DERFLER: How does the board operate in relation to the open
meeting law?

033 CHRISTIE JOACHIM: We do have an executive session, where legal matters, clinical proficiency are put together. After that we then open it to a public session.

040 CHAIR DERFLER: What is the appeal process?

043 CHRISTIE JOACHIM:: Describes process.

075 SEN. LEONARD: Asks questions related to Dr. Tilden's case.

100 CHRISTIE JOACHIM: The board has the responsibility of making the final decision.

123 SEN. LEONARD: On page 6 of Dr. Tilden's exhibit, second paragraph is that accurate?

132 CHRISTIE JOACHIM: No

160 SEN. LEONARD: Questions the boards overriding of the administrative law judge's decision.

170 CHAIR DERFLER: Do you feel that someone on the board should be an IME doctor.

172 CHRISTIE JOACHIM: I don't personnel agree. But we do have someone on the board currently who I understand has done hundreds and hundreds of IMEs.

182 CHAIR DERFLER: Closes INFORMATIONAL HEARING on Chiropractic Board.
Adjourns meeting.

Submitted by, Reviewed by,

Amy Baker Rita Thomas
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - Engrossed amendments to SB 369 - Committee Counsel - 9 pages

B - Written Testimony related to Chiropractic Board - J. Michael Burke - 43

pages

C - Written Testimony related to Chiropractic Board - Richard l. Peterson -

94 pages

D - Written Testimony related to Chiropractic Board - Richard H. Tilden - 9

pages

E - Written Testimony related to Chiropractic Board - Patrick J. Boyd - 7

pages

F - Written Testimony related to Chiropractic Board - Christie Joachim - 10

pages

G - Written Testimony related to Chiropractic Board - Robert Fischel - 6

pages

H - Written Testimony related to Chiropractic Board - Charles Simmons - 5

pages