



**Education Subcommittee
Joint Ways & Means Committee
February 20, 2025**

**Testimony of Cass McLeod-Skinner, J.D., Executive Director, and
Michelle Waggoner, D.C., OBCE President**

Governor's Budget – SB 5507

The Oregon Board of Chiropractic Examiners (OBCE) is an Other Funded agency responsible for the licensing and regulation of chiropractic physicians and certified chiropractic assistants. Our board consists of five chiropractic physicians and two public members, all of whom are appointed by the Governor and confirmed by the Senate. We currently have 5.75 FTE staff (6 positions), including two Administrative Specialists 2 (one at 1.0 FTE which is currently vacant with the person in that position transferring to part-time temporary Program Manager 1 role), one at .75 FTE), an Office Specialist 2 (1.0 FTE), an Investigator (1.0 FTE), a Health Care Investigator (1.0 FTE), and Executive Director (1.0 FTE). Our assigned Assistant Attorney General is a critical part of our team. Our GB submission is found here:

[OBCE Governors Budget 25-27.pdf](#)

Licensee Overview

Licensee Types	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25
DC - Active	1181	1218	1211	1232	1222	1208	1198	1282
DC - Inactive	292	264	221	192	222	218	210	220
DC - Senior	382	398	413	423	413	435	397	367
DC - Initial	90	85	91	70	76	79	82	133
DC Total	1945	1965	1942	1917	1933	1943	1887	2002
CA - Initial	299	282	437	382	377	432	479	696
CA - Renewing	1043	1017	934	990	973	848	918	1618
CA Total	1342	1299	1371	1372	1350	1280	1397	2314
TOTAL	3287	3264	3313	3289	3283	3223	3284	4343

Licensee Demographics

As of February 7, 2025, of the 1,839 responses received from DCs who self-reported racial or ethnic data (can report in multiple categories), 64% reported as White/Caucasian, 25% reported as Undetermined/didn't indicate/preferred not to answer, 5.6% reported as Asian, 3% reported as Hispanic/Latino, 0.8% reported as Black/African American, and 0.4% reported as Native

American. If we assume that “Undetermined” often means White, then 89% of the DC licensee responses identified as White.

As of February 7, 2025, of the 2,024 responses received from CAs who self-reported racial or ethnic data (can report in multiple categories), 68.2% reported as White/Caucasian, 19.3% reported as Hispanic/Latino, 5% reported as Asian, 1.9% reported as Undetermined, 1.1% reported as Black/African American, and 1.4% reported as Native American. If we assume “Undetermined” often means White, then 70.1% of the CA licensee responses identified as White.

OBCE was proud to sponsor and attend the American Black Chiropractic Association’s annual conference, held at University of Western States in Portland. We were the only state regulatory/licensing agency that had ever done so, according to those in attendance. That sponsorship of and engagement with Black chiropractic students from around the country has been foundational relationship building and recruitment.

Case Overview

Complaints opened per year:

NUMBER OF NEW COMPLAINTS		RECEIVED COMPLAINTS BY TYPE	2016	2017	2018	2019	2020	2021	2022	2023	2024
RECEIVED IN PREVIOUS YEARS											
		Advertising	0	0	1	4	3	1	1	4	0
		Billing Issues	9	9	3	5	7	5	8	6	7
2006	86	Chart Notes	2	5	2	2	0	0	1	0	0
2007	95	Licensing/CE	13	13	16	88	20	23	3	1	1
2008	72	Miscellaneous*	6	10	7	7	7	1	4	1	0
2009	78	Practice w/o License	1	6	6	7	1	3	7	6	6
2010	70	Records Release	2	7	4	1	0	2	1	4	0
2011	130	Sexual Misconduct/	6	8	3	11	6	13	7	5	8

2012	143	Treatment	7	8	16	18	13	14	18	13	13
2013	125	Treatment / Billing	1	3	2	1	0	0	0	0	1
2014	82	Unprofessional Conduct	23	10	14	14	19	16	23	20	15
2015	55	COVID					16	12	7	0	0
		Total Complaints	70	79	74	158	94	90	80	60	51

*Miscellaneous for 2017 includes 2 failure to pay tax, 1 IME, 6 miscellaneous, and 1 excessive treatment complaints. Miscellaneous for 2018 includes 4 IME, 1 excessive treatment, and 2 miscellaneous complaints. Miscellaneous for 2019 includes 1 failure to pay tax, 1 child support, 1 IME, 1 rec release and 4 miscellaneous. Miscellaneous for 2020 includes 2 IME, 5 miscellaneous. For 2021, Miscellaneous includes no other category of complaint. For 2022, Miscellaneous includes 2 failure to supervise, 1 fraud, and 1 x-ray.

Complaints resolved per year:

2018	2019	2020	2021	2022	2023	2024
76	157	84	43	10	55	26

- 2019 was a unique, high volume, year as it was the first year of utilizing our citation authority for lower level violations - 157 cases were resolved which included 6 suspensions. For 2020, 84 cases were resolved, with 3 suspensions, 3 revocations, and 1 license surrender. This was also the first year of violations of the rules implemented for COVID precautions. Through 2020 and into 2021, 3 of our long-term employees (half of the agency staff) retired or resigned, leaving the agency greatly understaffed, especially in our investigation program, creating a severe case backlog of ~ 165 cases at its highest.
- For 2021, 43 cases were resolved, that included 2 denials of licensure, 2 emergency suspensions, and 3 revocations.
- As of mid-2022, the agency became fully staffed, with investigation staff in training and addressing the case backlog. 10 cases were resolved, which included 1 denial of licensure and 1 suspension.
- Resolved 55 total cases in 2023 and 26 total cases in 2024.
- With the March 2024 rollout of our new case management/licensing database (InLumon), CE audits were on hold for most of 2023 and 2024 to allow for data transfer, accounting for a lower licensing/CE cases in those years.
- As of February 5, 2025, we have almost fully resolved our case backlog, from ~165 cases down to ~50. Prior to COVID and understaffing, our regular case load would range between 40-45 cases per year.

Key Performance Measures (KPMs)

KPM	Target
KPM 1: Days between complaint receipt and investigation report finalized for Board	80% of investigation reports written within 120 days from complaint receipt to final report
KPM 2: Days between investigation report finalized and presentation to the Board	90% of cases presented to the Board within 60 days of investigation report completion
KPM 3: Summary of investigative steps	90% of new complaints that are assessed, investigated, and presented to the Board for initial action within 120 days
KPM 4: Days between Board review/initial action and case closure (investigative step 3)	75% of cases closed within 90 days of Board review/initial action.
KPM 5: Summary of investigative steps: Average number of days to resolve a complaint	Case closure/resolution within 180 days
KPM 6: Percentage of sexual misconduct/boundary complaints resolved in 180 days	50% of cases resolved within 180 days
KPM 7: Percentage of chiropractic physicians meeting the annual continuing education requirements	95% of licensees to have completed their annual CE requirements
KPM 8: Percentage of licenses issued within 5 days once complete application received	100%
KPM 9: Customer Service Questionnaire - Percent of customers rating satisfaction as “good” or “excellent”	90% for each aspect of the questionnaire
KPM 10: Board Best Practices – Percent of total best practices met by Board	100%

Our 10 KPMs were reworded, reorganized, and renumbered during the 2021 legislative session, which included some changes to our targets that became effective immediately and some effective as of 2022. Targets for KPMs 1 and 3 were increased for 2024. For 2024, we fully met 6 KPMs (KPMs 2, 4, 7, 8, 9 (4/6 aspects) and 10), an improvement over 2022 and 2023 results. Being short-staffed for almost 2 years in our investigation program, it comes as no surprise that the KPMs needing the most focus are within those processes.

Governor’s Expectations

Upon taking office in January 2023, Governor Kotek directed state agencies to focus on a number of important areas to serve Oregonians for effectively and hold leaders accountable for their work. DAS has also required a number reports to hold agency leader accountable for their

work. The OBCE has done a good job in meeting or exceeding the requirements applicable to an agency of this size.

Governor’s Budget and Policy Option Packages

The Governor’s Budget and the Agency Request Budget are aligned except for the Governor’s Budget having a \$59,722 negative difference mainly attributed to personal services reconciliation adjustments and adjustments to DOJ/Assistant Attorney General rates. Governor’s Budget estimated ending cash balance available for expenditures: \$527,820 which translates to approximately 4.9 months of operating expenses (\$107,905/mth).

Policy Packages	Positions	FTE	Other Funds
070 – Revenue Shortfall	(3)	(3.00)	(1,053,269)
090 – Analyst Adjustments			(39,605)
092 – Statewide AG Adjustments			(27,094)
093 – Statewide DAS Adjustments			6,977
101 – Restore Package	2	2.00	601,921
Total 2023-25 Governor’s Budget	5	4.75	2,475,556

Policy Option Package 070: Revenue Shortfalls. To address the projected revenue shortfall at the end of 2027, Policy Option Package 070 cuts the following expenditures: 3 FTE, all board stipends, all differentials, all instate travel, all employee training, \$5,000 in office expenses, \$10,000 in data processing, \$75,000 in IT professional services, \$165,346 in AG funds, and \$50,000 in other services and supplies for a total of \$1,053,269 in cuts.

Policy Option Package 090: Analyst Adjustments. This package decreased Personal Services by an additional \$39,605 to account for the downward reclassification of a staff position.

Policy Option Package 101: Restore Package. The restore policy option package increases total revenues by \$636,898 due to the 30% fee increase implemented in November 2024. It also assumes a 30% increase to fees, with a higher increase on initial DC licenses and buys back 2 FTE (leaving the agency without the Investigator 2 position), all board member stipends and differentials, payroll and retirement associate with the remaining FTE, in state travel, employee training, office expenses, data processing, all AG funds. It does not buy back IT professional services or other services and supplies.

Fee Increases

Fee Type	Previous Fees	20% Increase (10/23)	30% increase + addl for DC app (11/24)
DC Application	\$146.25	\$166.25 (20% increase on \$100 as \$46.25 is background check fee)	\$496.25 (increase to \$450 to bring in line with other regional states DC application fees; \$46.25 background check fee)
DC Regular Active	\$425	\$510	\$663
DC Senior License	\$315	\$378	\$491.40
DC Initial License	\$150	\$180	\$234
DC Inactive	\$225	\$270	\$351
Late Renewal Penalty	\$125 per week up to \$500	No change	\$150 per week, no cap
CA Application	\$126.25	\$142.25 (20% increase on \$80 as \$46.25 is background check fee)	\$176.25 (30% increase on \$100 app fee only)
CA Initial License	\$50	\$60	\$78
CA Renewal	\$75	\$90	\$117

Prior to Oct. 2023, the last fee increase was approximately 12 years ago. The Board postponed voting on increases when first recommended in 2020 due to COVID. After multiple public discussions, the Board voted to increase fees by 20% in September 2022, effective Jan. 2023. Implementation was postponed to allow for legislative review and approval. 20% fee increase eventually went into effect in Oct. 2023.

For 2025-27, the Board was faced with a large revenue shortfall and voted to enter rulemaking in Sept. 2024 to increase fees by 45%. However, the Board voted to increase fees by 30% (with addl amt for DC apps), effective Nov. 2024. This 30% increase will add an estimated \$636,898 to projected revenue, which is captured in GB, but will not allow agency to be fully staffed.

Ending Cash Balance

Taking into consideration the above POPs, the OBCE will have an estimated ending cash balance available for expenditure of \$527,820, which translates to approximately 4.9 months of operating expenses (\$107,905/mth).

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Michelle Waggoner D". The signature is written in a cursive, flowing style.

Dr. Michelle Waggoner
OBCE President

A handwritten signature in black ink that reads "Cassandra C. McLeod-Skinner". The signature is written in a cursive, flowing style.

Cassandra C. McLeod-Skinner, J.D.
OBCE Executive Director