

## OCPA Proposes Workers' Comp. Legislation

Chuck Bennett

The Oregon Chiropractic Physicians' Association (OCPA) has responded to the dramatic changes made in the workers' compensation system during the state legislature's May special session with a positive package of legislative proposals for the 1991 regular session.

Topping the list of changes being advanced by the state's largest and only politically active association is elimination of the 30-day or 12-visit limitation on chiropractic physicians' designation as "attending physicians."

"Of all the changes in the law this has caused the most serious problems for chiropractic patients," reported OCPA lobbyist Chuck Bennett. The new law requires chiropractic patients, at the end of the 30-day or 12-visit period to change attending physicians to either MDs or DOs.

"We warned the legislative leadership and then-Governor Goldschmidt at the time that it would not work to have allopathic physicians trying to review and then re-refer chiropractic patients. Unfortunately, we were right. I do believe there was a legitimate hope that these professions could work together on behalf of the injured workers and their needs and their health care desires. What happened instead is that MDs and DOs either refused to see chiropractic cases and re-refer them when needed, or when they did re-refer them they ran into an incredibly negative reaction from insurance companies. Either way, the allopaths have almost universally rejected referral from or to chiropractic care," Bennett reported.

"Our Senate president here is Dr. John Kitzhaber, M.D. Senator Kitzhaber already has responded to the situation by clearly lending his support to our effort to guarantee access to chiropractic care for that percentage of injured workers who seek it. We also are working with the newly created Labor/Management Committee to develop amendments that address real and perceived cases of over- utilization or inappropriate care, but not blocking care that is appropriate and within reasonable utilization guidelines," Bennett said.

The Oregon Board of Chiropractic Examiners is currently reviewing a practice and utilization guideline document for neuromusculoskeletal conditions that will essentially outline standards of practice and care for the state's nearly 1,000 practicing chiropractors. It is these guidelines that will set the standard for utilization reviews that are built into the OCPA bill.

"Chiropractors in Oregon have been severely criticized and in most cases, successfully prosecuted by the attorney general and that State Accident Insurance Fund Corporation for fraud and racketeering," Bennett said. "The profession has been shaken tremendously by these charges and the subsequent court cases and attendant publicity. While there is a strong tendency to want to circle the wagons and deny that anything was wrong among chiropractors in this state, the more responsible members of the profession have seized the crisis as an opportunity and have embarked on developing a chiropractic managed care organization with strict codes of utilization and ethics."

Among other bills being promoted by the OCPA is a fee increase on relicensing and other professional activities to help the Board of Chiropractic Examiners (BCE) fund an aggressive

program of self-policing of the profession. Oregon already has a statutory Peer Review Committee, licensing of ancillary chiropractic personnel, and have drafted standards of care and utilization. The additional funds will give the BCE its own field investigator, additional assistance from the attorney general in prosecuting cases of practice act violations and additional office staff for the new programs under way.

In addition, the OCPA has been conducting long range and short range planning sessions to develop strategies on a variety of fronts including encouragement of individual community action by chiropractors in Oregon, urging balanced practices that are not tilted or dependent on workers' compensation, developing closer relations with labor, business and insurance groups, public relations and more.

Although there are now three associations in Oregon, only one, the OCPA, offers full service association activities. The other two associations generally are single issue oriented and have less than 25 members each. The trend in Oregon is toward consolidation; meetings between the OCPA and the Chiropractic Society of Oregon are proceeding to merge these two groups. The third and newest group is called the Oregon Doctors of Chiropractic (ODOC) and centers on dissatisfaction with the changes made during the special session in workers' compensation. It remains extremely critical of the OCPA's mainstream and more traditional political approach and is currently planning to launch an initiative campaign on a measure that has questionable impact in providing patient access to chiropractors and other practitioners.

As in most other places where the profession is even marginally split, the separate groups weaken each other, the profession, and provide ammunition to opponents. Responsible members of the profession in all groups continue to try to work together on mutual goals.

*Chuck Bennett*  
*Portland, Oregon*

APRIL 1991