

**Minutes of OCA Executive Board Meeting**  
**April 21, 2022 -- VIA ZOOM**  
**Agenda prepared by Dr. Todd Turnbull, DC, CCSP, CBIS/T, President**

1. **Call to Order:** Meeting was called to order at 7:15 by Dr. Turnbull.

**Board Members present:** Michael Arnot, D.C., Dan Beebe, D.C., Dennis Cozzocrea, D.C., Les Feinberg D.C., Michael Lell, D.C., Bob Richards D.C., Amanda Tipton D.C., Todd Turnbull D.C.

2. **Approve Agenda:** Motion made to approve agenda by Dr. Beebe, seconded by Dr. Feinberg, motion carried unanimously.

3. **Approve Minutes:** Motion made to approve minutes from the April 7, 2022, OCA Board meeting by Dr. Beebe, seconded by Dr. Cozzocrea, motion carried unanimously.

4. **Executive Director's Report:** Tabled until next meeting.

5. **Legislative Report – Vern Saboe, D.C.** Dr. Saboe noted that Dr. Cozzocrea had some ideas for ChiroPAC and requested those be discussed.

Dr. Saboe met with Tony Rozner (researcher for Western States who works remotely from Maryland) who asked Dr. Saboe to provide input on a new Medicaid study based in Oregon, and Dr. Saboe recommended the participation of Charles Galia PhD, epidemiologist (who is also on the Advisory Committee for the \$5.7 million Keiser Permanente study which is in its 5<sup>th</sup> year). More details on this study later.

Dr. Saboe met with Representative Sedrick Hayden a Republican on the Health Committee who is interested in re-introducing HB 4132 in the next long-session of the legislature. This bill would require the Department of Consumer and Business Services Insurance Division to meet with CAM providers regarding “discriminatory actions” by insurers and health plans. In the previous short legislative session, the bill passed the House with full-bipartisan support, then went to the Ways and Means Committee (for a small “fiscal” portion of the bill) and despite Democrats wanting the bill, the “clock” ran out due to the short legislative session and other priority bills. Re-introducing this bill during this next session will be timely with the Federal Legislation relative to Section 2706 the ACA and Dr. Saboe are working on along with Kurt Schrader here in Oregon.

Dr. Saboe met with Representative Wlnsvey Campos, who is also on the Health Committee (Democrat running for the Senate), who is very supportive of HB 4132.

Dr. Saboe had a meeting with Charles Gallia a Democrat running for the House of Representatives, who is reportedly well versed in the MLAC (Management Labor Advisory Committee) Worker's Compensation issues through his work with firemen. As background: MLAC consists of 5-labor/5-management members and “advises” to the Legislature ONLY if MLAC has consensus. In 2005, we presented the Mitch Greenlick Worker's Compensation Study bill proposal to MLAC (proposing a study to address the false statement by SAIF that chiropractic was twice as expensive as medical care in Worker's Compensation). MLAC voted 5 yes/3 no (with 2 missing members) to approve the cost comparison study, but the motion didn't pass due to MLAC's “double majority” voting system, (i.e., they require 3 “yes” votes from both labor and management). Dr. Saboe then got the study proposal through the House AND Senate, but Gov. Kulongoski vetoed it because of MLAC's “no” vote. Dr. Saboe is now working with Charles Gallia and John Kitzhaber to create a bill that will basically states MLAC should only be “advisory” to the Legislative Assembly and not “dictate” to the Legislature, and that the LEGISLATURE (not MLAC) will determine if a piece of legislature has merit or not (independent of the MLAC's vote).

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Dr. Saboe met with Senator Bill Kennemer who is on the Health Committee, staunch supporter of the profession and very supportive of HB 4132.

Dr. Saboe met with Richard Walsh, a PI attorney in Salem, who supports the profession, but who is running against Senator Kim Thatcher, another supporter of the profession. Dr. Saboe recommends the OCA/ChiroPAC simply observe this race.

Dr. Saboe has been appointed to the ACA Task Force and is working with Democrat Representative Kurt Schrader to make sure the Federal legislation section 2706 regulations are properly written.

Dr. Saboe had a Zoom meeting with Bud Pierce (oncologist) who is running for Governor as a Republican, and Dr. Saboe was very impressed with his support for our profession.

Dr. Saboe discussed Independent Governor candidate Betsy Johnson, who is a conservative democrat, and her potential effect on the election.

Dr. Saboe met with Travis Nelson, RN, Democrat Representative (Dist. 44 Portland), who is super supportive of our profession, and who is seeking a House Health Committee appointment and is running unopposed for Tina Kotek old House seat. He has worked with our profession in the past, and he is going to win. Dr. Saboe had requested a ChiroPAC donation to his campaign of \$500.00, and Dr. Beebe confirmed this was received and approved.

Dr. Saboe met with Republican Representative Raquel Moore-Green who is on the House Health Committee and running for the Senate. She is very supportive of the profession and wants to introduce an "Senate version" of HB 4132 and was appreciative of the Federal background information Dr. Saboe was able to provide regarding regulations from Federal Section 2706.

Dr. Saboe next week he is meeting with Rachel Prusak, RN, Chair of the House Health Committee, who has been very supportive of our profession and of HB 4132.

Dr. Saboe states the Medicare Chiropractic Modernization Act now has 135 co-sponsors, which is the highest number the ACA has ever garnered in its history. And there is now a Federal "Senate companion bill" and Dr. Saboe is attempting to get Oregon Senators Merkley and Wyden to co-sponsor that, and it appears Merkley will be the first to do so as Wyden's office is slow to respond.

ChiroPAC balance is \$10,049.57. Dr. Saboe states the survey of the 200 ChiroPAC contributors regarding how many wanted to change to electronic donations (automatic debiting of credit card) versus the previous method of writing a check. We only got 27 total responses, and the results were basically a 50/50 split (13 electronic/14 checks). Dr. Saboe questions whether the response was great enough to be truly representative.

Dr. Cozzocrea suggested we try to convince current donors to go monthly via electronic donation, and then any new donors automatically be put on electronic donation and try to phase out checks over time.

Dr. Cozzocrea tabled further discussion of categories for topics on MOBILIZE.

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6. **OBCE Liaison – Dr. Saboe:** The OCA is constructing an “Evidence Based Rebuttal” to present to the OBCE by the 28<sup>th</sup>, showcasing the evidence based science regarding natural recovery of persons from COVID who have a normal immune system and no co-morbidities, what the true “need” for a vaccine is in this population, and the issue of Natural Immunity, the issue of vaccine ineffectiveness to stop infection and/or stopping transmission, the problems with PCR testing and cycles of amplification.

Dr. Feinberg cited statistics from March 2020 to Dec 2020, compared to January 2021 to September 2021, that show more hospitalizations and more mortality AFTER the roll out of the vaccine.

Dr. Arnot noted the varying legal precedence (based on the same science) from various State and Federal courts regarding masking and vaccine mandates.

Dr. Saboe summarized that the OCA needs an “Evidence Based Rebuttal” document—on public record—that addresses statements by the CDC and OHA that are not accurate and then wait for the higher courts to decide on the evidence.

Discussion was held on what to do if/when the OBCE ignores our Evidence Based Document (in favor of the CDC’s dictates and the OHA parroting those dictates) and discussion was held on consulting with legal representation to challenge any “Administrative Rule” that isn’t based on scientific evidence or that is contrary to other state rulings.

It was discussed that Oregon appeals/supreme courts are liberal and would likely shoot down conservative precedence. Discussion was held on consulting the Chiropractic Defense Council.

Discussed was held the largest/only randomly controlled study on masks involving 1604 health care workers, that demonstrated neither cloth masks nor N95 masks prevented the spread of FLS (flu like symptoms), and that those who wore cloth masks had significantly MORE illness than non-masked workers.

Dr. Beebe made a motion to send draft 5 of the OCA’s “Evidence Based Rebuttal” to the OBCE by the 28<sup>th</sup>. Dr. Richards seconded; the motion passed unopposed.

7. **UWS Liaison—Dr. McLaughlin.** Tabled to next meeting.

8. **Strategic Planning Progress:**

**A. CE/Convention:** Dr. Amanda stated we still need volunteers to help check doctors in/out for the afternoon sessions of the OCA Convention. Her and Jan will be going down Thursday noon to start setting up. Dr. Amanda stated Dr. Saboe’s “Legislative Update” and the clip of the “Aligned Athlete” will occur Saturday during the Gatti sponsored lunch via a ZOOM broadcast to all three/separate rooms at the convention. And that on Sunday Dr. Saboe will present OCA Accomplishments since 2005 to two rooms separately.

**B. Insurance Relations: 3<sup>rd</sup> Annual Auto PIP ZOOM meeting:** Dr. Arnot states he and Dr. Saboe contacted Dr. Doug Broughman (SP?) in Minnesota to see how their symposium/meeting with PIP insurers went in their state, and it was reportedly very positive, and they plan to meet with the no-fault PIP insurers every 6-months hereafter. Dr. Broughman states there has been a decrease in IMEs since their symposium, and they are trying to advance a “double blind” IME system, but overall, there has already been less “IME termination of care”

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since their meeting. Dr. Arnot states he and Dr. Saboe will get together soon to develop/initiate our 3<sup>rd</sup> Annual PIP insurer symposium.

Dr. Saboe clarified that, originally, Dr. Broughman had contacted Dr. Saboe and flew to Oregon to observe OUR symposium with PIP insurers in and then went back to Minnesota and put on their own PIP insurer symposium based on our concept of Administrative Rule relative to clinical outcomes and outcomes assessment which they duplicated in their state.

Dr. Arnot states Christine Zander brought it to his attention that eviCORE is no longer requiring pre-authorization for CMT/E&M codes under Regence/MODA, so he called provider relations and was told pre-authorization is still required on “procedures” and other codes that we bill. Dr. Arnot suggests we can work with Provider Relations work with insurers to get eviCORE pre-authorization eliminated altogether and volunteered to write up a plan and present that to the board. Dr. Arnot noted that MODA is paying therapy code (97140) without pre-authorization, and they are going to test this with Regence.

**C. Additional Strategic Planning Updates:**

Dr. Feinberg put out another version of the Philosophy, Mission, Vision...acknowledging contributions/suggestions by board members.

Dr. Turnbull states he is working on organizing a “Presidential Fundraiser” for ChiroPAC and will meet with Jan Ferrante and Dr. Amanda to seek sponsors to provide prizes for those who participate/donate by using the website electronic “button.”

Dr. Amanda states she works with Bridge City Law Firm (Jim Dwyer, Roy Fernandez, Pat Reece), who are sponsors for the 2022 OCA Convention, and that Jim Dwyer does a cookoff at a winery as a raffle for their law firm, and she asked Mr. Dwyer if he would be interested in doing a similar cookoff/raffle for one of our OCA fundraisers, and she said he sounded interested and in general wants to work more closely with the OCA and the profession.

**9. New Business:** None.

**10. Board Member Announcements/Questions/Comments/Concerns:** None.

**11. Next Board Meeting:** Thursday May 19, 2022.

Dr. Feinberg made a motion to adjourn the meeting at 8:10 pm, seconded by Dr. Beebe; motion passed unanimously.