

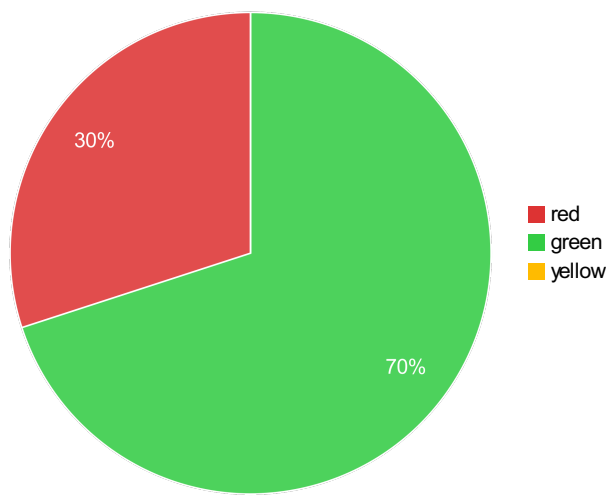
Chiropractic Examiners, Board of

Annual Performance Progress Report

Reporting Year 2019

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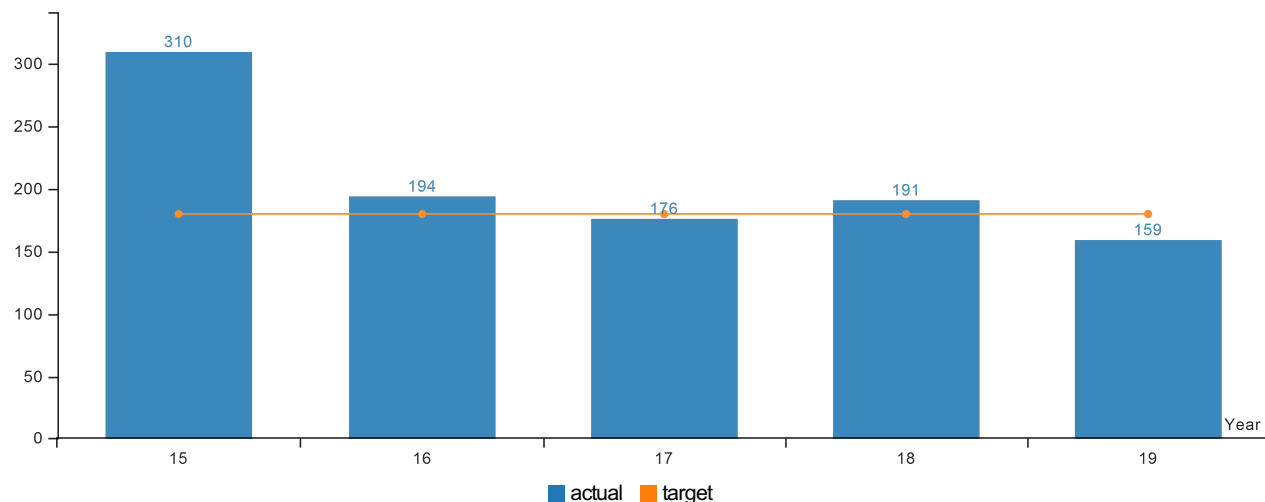
KPM #	Approved Key Performance Measures (KPMs)
1	Average number of days to resolve a complaint. -
2	Percent of sexual misconduct/boundary complaints resolved in 180 days -
3	The Percentage of new complaints that are assessed, investigated, and presented to the board for an initial decision within 120 days. -
4	Percentage of chiropractic physicians meeting the annual continuing education requirements. -
5	The Percentage of licenses issued within 5 days once all application components (that are the responsibility of the applicant) have been received. -
6	Customer Service - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise, and availability of information.
7	Board Best Practices - Percent of total best practices met by the Board.
8	Days between complaint receipt and investigation preparation for Board. - Percent of cases having investigative reports written within 120 days from when a complaint is received to when the investigation is prepared for Board review/action.
9	Days between investigation preparation and presentation to the Board. - Percent of cases, with a prepared investigation that is ready for Board review/action, that are presented to the Board within 30 days of completion.
10	Days between Board review/initial action and case closure. - Percent of cases closed within 90 days of Board review/initial action.



Performance Summary	Green	Yellow	Red
Summary Stats:	= Target to -5% 70%	= Target -5% to -15% 0%	= Target > -15% 30%

KPM #1	Average number of days to resolve a complaint. -
	Data Collection Period: Sep 01 - Aug 31

* Upward Trend = negative result



Report Year	2015	2016	2017	2018	2019
Average number of days to resolve a complaint.					
Actual	310	194	176	191	159
Target	180	180	180	180	180

How Are We Doing

The average number of days to resolve a complaint for our last reporting period (2018) was 191 days. 72 cases were closed with 36 cases closing over the 180 days target. Of these 36 cases, 30 DCs were involved (1.5% of the total 1968 DCs as of 9/1/18) in 33 cases, and CAs were involved in 3 cases. The 36 cases were open for a total of 10,789 days, averaging 300 days/case. 1.5% of the total DCs were responsible for 45.8% of the closed cases. In contrast, the remaining 54.2% of cases were open for a total of 2,969 days, averaging 82.5days/case - an average well below our target of 180 days.

We have significantly improved our average number of days to resolve a complaint from last reporting period, making this the second period we've met or exceeded this target since 2012. Our average for this KPM for 2019 is 159 days, well below our 180 day target. 144 cases were closed during this reporting period with 42 cases closing over the 180 day target. Of these 42 cases, 28 of our Oregon licensed DCs were involved (1.4% of the total 1942 licensed DCs as of 9/1/19) in 35 cases, CAs were involved in 5 cases over 180 days, and 2 non-licensed DCs from other jurisdictions were involved in 2 separate cases over 180 days. The 35 Oregon DC cases were open for a total of 15,282 days, averaging 436.63 days/case. 1.4% of the total Oregon licensed DCs were responsible for 24% of the closed cases. Of particular note, 3 individual Oregon licensed DCs were responsible for 10 of the 35 cases.

In contrast, the remaining 102 cases (70.8%) were open for a total of 7,490 days, averaging 73.43 days/case - an average well below our target of 180 days and below our average for this category last reporting period (82.5 days/case).

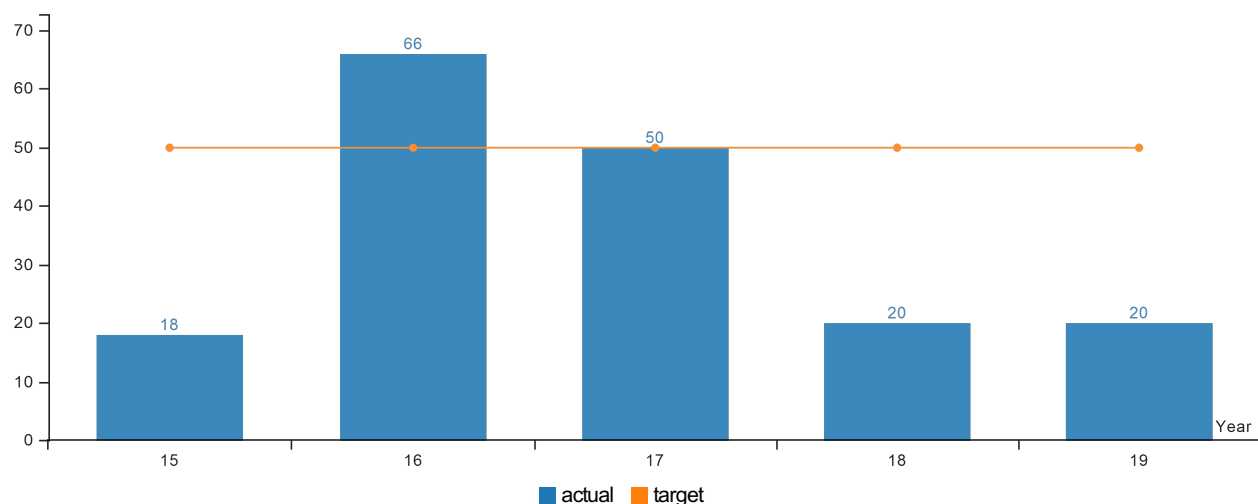
Factors Affecting Results

This reporting period has been unique as the board approved citation authority for low level rules violations. These citations caused our case count and those closed to double since last year, but generally did not effect the number of cases that were open for more than 180 days. The 3 individual Oregon DCs who were responsible for 10/35 cases over 180 days either went to multiple day hearings with filings in the Court of Appeals or settlement negotiations went long to enable appropriate outcomes.

We also had 2 non-licensed DCs from other jurisdictions who were involved in the same questionable business formation and practice here in Oregon which raised unique legal questions and resulted in longer resolution times.

KPM #2	Percent of sexual misconduct/boundary complaints resolved in 180 days -
	Data Collection Period: Sep 01 - Aug 31

* Upward Trend = positive result



Report Year	2015	2016	2017	2018	2019
Percent of sexual misconduct/boundary complaints resolved in 180 days					
Actual	18%	66%	50%	20%	20%
Target	50%	50%	50%	50%	50%

How Are We Doing

We did not meet our target for this reporting period. Like last year, there were a total of 5 sexual misconduct/boundary complaints closed with 1 case under 180 days, which resulted in a license surrender.

Factors Affecting Results

The OBCE is the only health professional regulatory board to track and report on sexual misconduct/boundary complaints/cases. This is in large part due to the very close and hands-on nature of chiropractic medicine and the possibility of professional boundaries being crossed within that realm. Because boundary and sexual misconduct cases are devastating to patients and other persons affected, we continue to include this KPM. It is within our public protection mission to continue to improve not only our resolution times for these cases, but improve the types of resolutions that we come to, as well as educating our licensee base about these dynamics within their practices in order to prevent violations from occurring.

The small number of cases make up an even smaller percentage of our overall caseload and often include an even smaller number of chiropractic physicians (DCs) responsible for multiple cases around similar circumstances and a large expenditure of time, effort, and resources. For example, we have a total of 5 cases that were closed within this reporting period, 2 of which were the responsibility of 1 DC and a third that related to the circumstances within the aforementioned 2 cases.

Generally, these types of cases are much more complex and time consuming than non-sexual misconduct/boundary cases (e.g. recordkeeping, over treatment, etc.) often due to multiple and/or very traumatized victims (adults and minors) and witnesses, involvement of multiple licensing and law enforcement agencies, cross jurisdictional (state and country) issues, and engagement of expert review for psycho- or psychosexual evaluation of the perpetrating physician. During these cases that involve multiple law enforcement or state agencies (sheriff departments, local police,

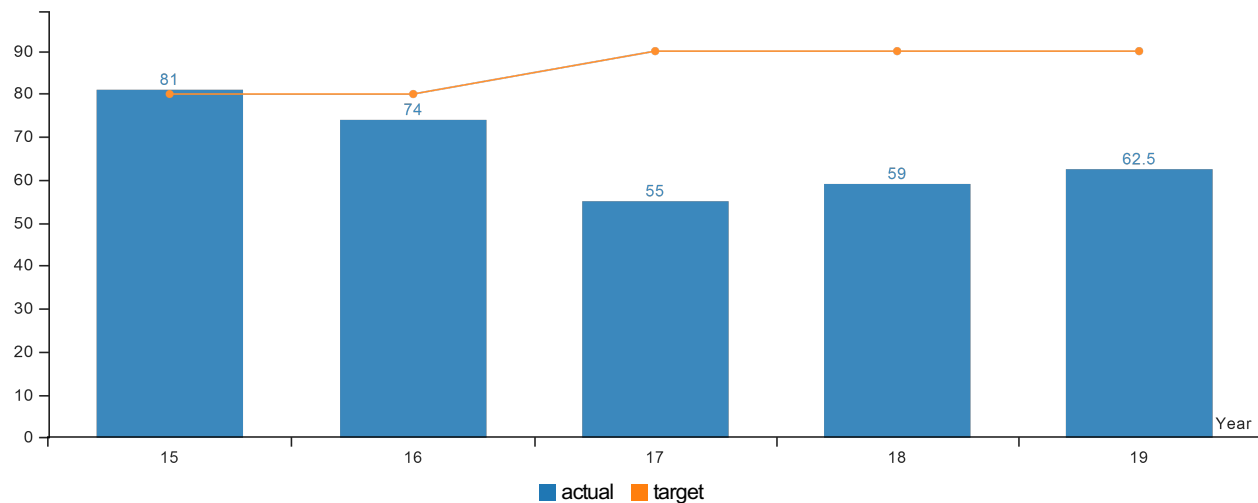
DHS, DOJ, county District Attorneys, school districts, etc.), our cases and investigations are opened when we receive a complaint or notice of arrest and then often put on hold until the closure of the criminal proceedings, greatly increasing our resolution time period.

Also, because these cases involve the possibility of strong discipline - suspension or revocation of a DC's license - DCs most often hire defense counsel to represent them, which is fully within their right to protect their due process. The fact that defense counsel is involved, however, significantly increases the time in which these cases are resolved. Counsel often utilize all tools available to them to allow their clients to continue to work during the pendency of their disciplinary proceedings, in essence, prolonging the process before their clients are fully held accountable. This may include scheduling conflicts, filing an abundance of pleadings, cross-filing cases in multiple jurisdictions/courts regarding the same matter or parties, filing multiple motions, requesting a hearing, prolonged settlement negotiations, preparing for hearing to settle at the last minute, or going to hearing and filing for judicial review on appeal once a Final Order is issued, post-hearing. More often than not, the majority of these cases settle immediately before hearing, after prolonged pre-hearing engagement with the agency.

Although we have been unsuccessful in reaching our target, I believe our KPM, and our target, are realistic and integral to our public protection mission. Our goal is to protect our public and, by thoroughly investigating all aspects of these cases, respecting our complainants and witnesses, fully providing our licensees their due process rights, and successfully representing our agency and the public in negotiations, at hearing, and during appeal, we accomplish that end. Resolving these cases sooner is what we strive for, but not at the expense of public safety.

KPM #3	The Percentage of new complaints that are assessed, investigated, and presented to the board for an initial decision within 120 days. -
	Data Collection Period: Sep 01 - Aug 31

* Upward Trend = positive result



Report Year	2015	2016	2017	2018	2019
Percentage of complaints/investigations presented to the Board within 120 days					
Actual	81%	74%	55%	59%	62.50%
Target	80%	80%	90%	90%	90%

How Are We Doing

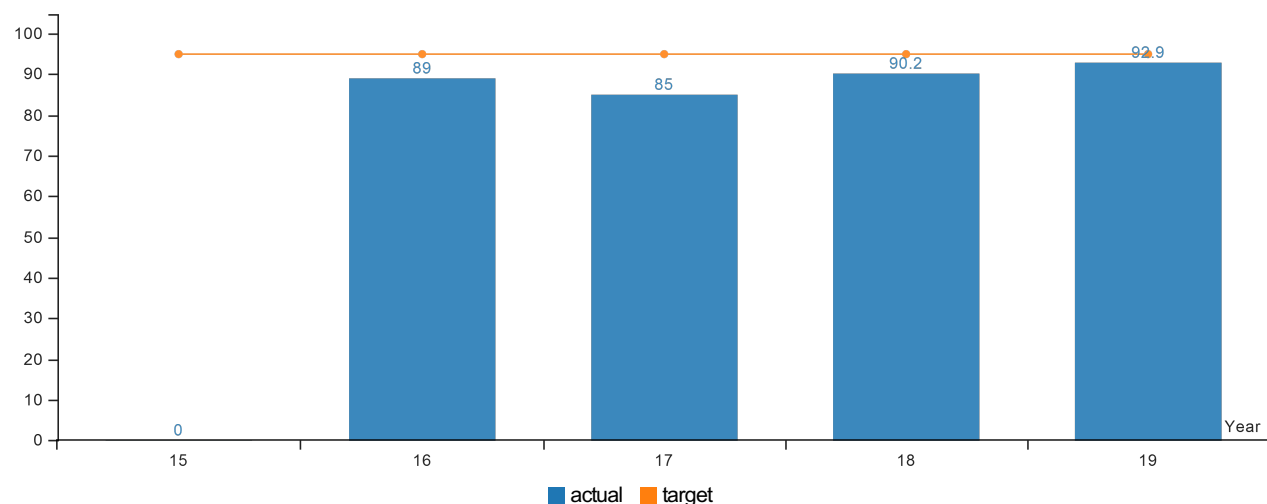
The target for this KPM was changed from 80% to 90% during the 2017 Legislative Session. At 62.5% of cases presented to the Board within 120 days, we did not meet this new KPM this reporting period, with 16 new cases, 6 of which reported to the board at more than 120 days. We did, however, improve over the last two reporting periods (2018: 59%, 2017: 55%).

Factors Affecting Results

All 6 cases that were over 120 days resulted in non-discipline, insufficient evidence, or no statutory violations found by the Board. The time spent fully investigating these cases, and ensuring our licensees their full due process rights, is time well spent, even if it falls outside of our performance measure target.

KPM #4	Percentage of chiropractic physicians meeting the annual continuing education requirements. -
	Data Collection Period: Sep 01 - Aug 31

* Upward Trend = positive result



Report Year	2015	2016	2017	2018	2019
Percentage of chiropractic physicians meeting the annual continuing education requirements.					
Actual	No Data	89%	85%	90.20%	92.90%
Target	95%	95%	95%	95%	95%

How Are We Doing

For this reporting period, 5 audits were taken of the DC licensee base with a total compliance rate of 92.86% who complied within 30 days of the audit date, an increase over the last three reporting periods. Two audits were taken of the CA certificate holders with a total compliance of 100% who complied within 30 days of each audit date.

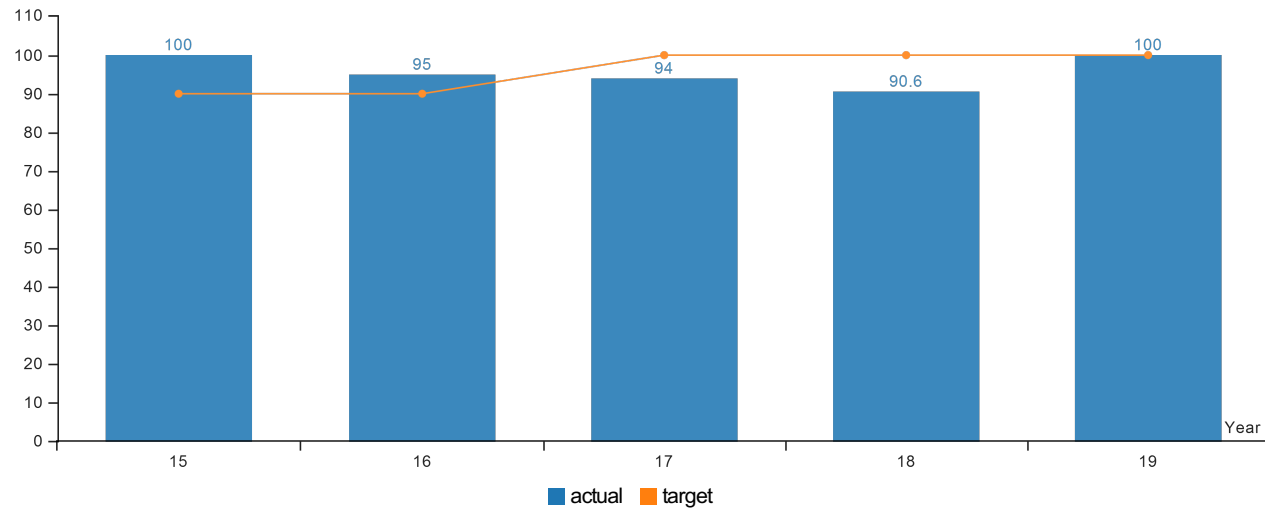
The compliance rates for each DC audit are as follows: 9/18: 91.7%; 10/18: 97.2%; 1/19: 96.8%; 5/19: 82.7%; 7/19: 96.9%. Of note, we began auditing 25% of our DC licensee base (rather than 10% or fewer) in May.

Factors Affecting Results

More consistency in performance of audits has resulted in greater compliance with anticipated continued improvement.

KPM #5	The Percentage of licenses issued within 5 days once all application components (that are the responsibility of the applicant) have been received. -
	Data Collection Period: Sep 01 - Aug 31

* Upward Trend = positive result



Report Year	2015	2016	2017	2018	2019
Time to process chiropractor applications					
Actual	100%	95%	94%	90.60%	100%
Target	90%	90%	100%	100%	100%

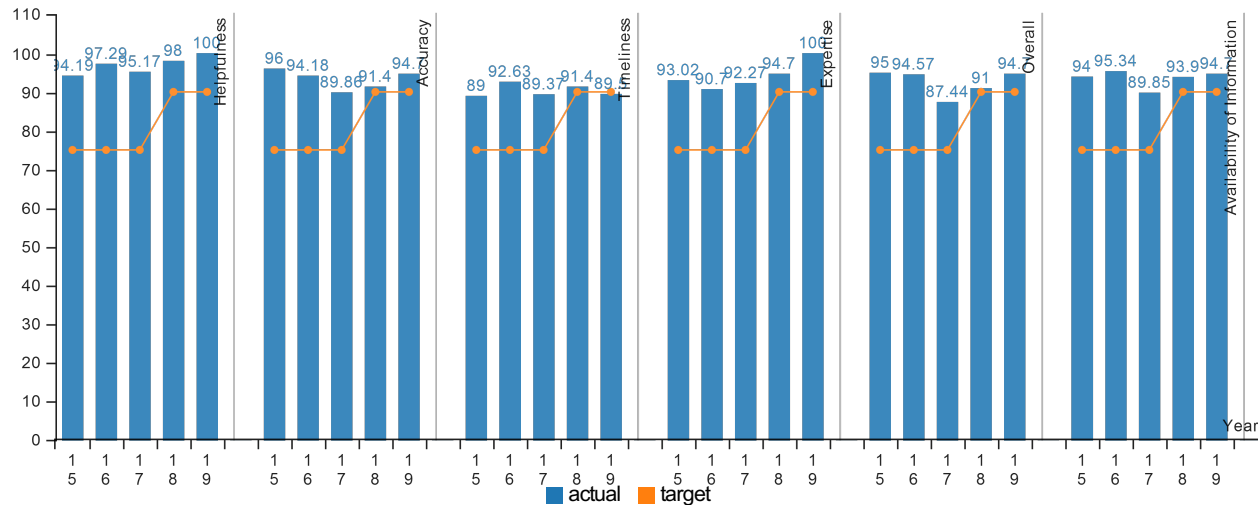
How Are We Doing

We have met this target. 81 licenses were processed during this reporting period. 100% were completed within 5 days, 97.5% were completed within 4 days, 95% were completed within 3 days, 87.6% were completed within 1 day, and 76.5% of licenses were issued the same day they were eligible.

Factors Affecting Results

Because we have such a small staff (5.1 FTE, 6 positions, only 2 full time), staff members' days out of office due to FMLA/OMLA issues, sickness, or vacation days greatly affect this measure and the processing of license applications. We continue to cross train our staff members which has resulted in our 100% compliance for this measure this reporting period, even with a recent extended medical leave taken by a staff member.

KPM #6	Customer Service - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise, and availability of information.
	Data Collection Period: Sep 01 - Aug 31



Report Year	2015	2016	2017	2018	2019
Helpfulness					
Actual	94.19%	97.29%	95.17%	98%	100%
Target	75%	75%	75%	90%	90%
Accuracy					
Actual	96%	94.18%	89.86%	91.40%	94.70%
Target	75%	75%	75%	90%	90%
Timeliness					
Actual	89%	92.63%	89.37%	91.40%	89.50%
Target	75%	75%	75%	90%	90%
Expertise					
Actual	93.02%	90.70%	92.27%	94.70%	100%
Target	75%	75%	75%	90%	90%
Overall					
Actual	95%	94.57%	87.44%	91%	94.70%
Target	75%	75%	75%	90%	90%
Availability of Information					
Actual	94%	95.34%	89.85%	93.90%	94.70%
Target	75%	75%	75%	90%	90%

How Are We Doing

The target for each of these categories changed from 75% to 90% in the 2017 Legislative Session. Even with this increase, we have exceeded that target in 5/6 categories and almost met the target in the sixth.

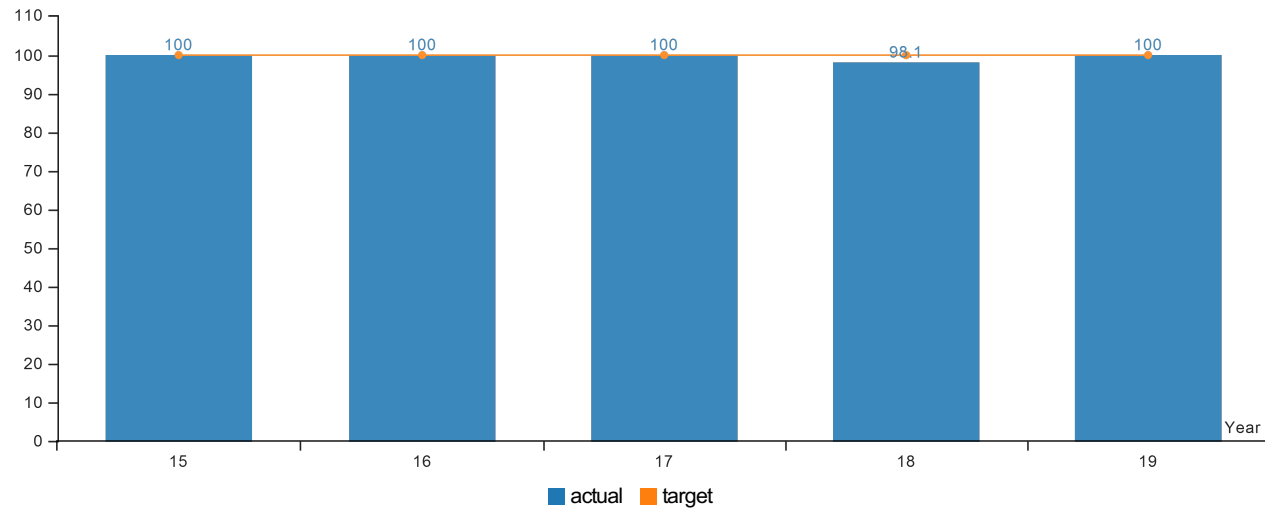
Initially, only 19 respondents responded (10% or less of our usual respondent base) by the survey deadline and it was discovered that not all of our standard recipients received the online customer satisfaction survey. We reissued the online survey to those who did not originally receive it and anticipated having a wider respondent pool at the second survey deadline. However, that increase expected did not occur. The second survey went out to an additional 139 stakeholders and none of whom responded to the survey. The initial results are final.

Factors Affecting Results

The low survey response rate may be due to an inundation of surveys requested of stakeholders from our and other agencies/entities at the end of the calendar or reporting year.

KPM #7	Board Best Practices - Percent of total best practices met by the Board.
	Data Collection Period: Sep 01 - Aug 31

* Upward Trend = positive result



Report Year	2015	2016	2017	2018	2019
Board Best Practices - Percent of total best practices met by the Board.					
Actual	100%	100%	100%	98.10%	100%
Target	100%	100%	100%	100%	100%

How Are We Doing

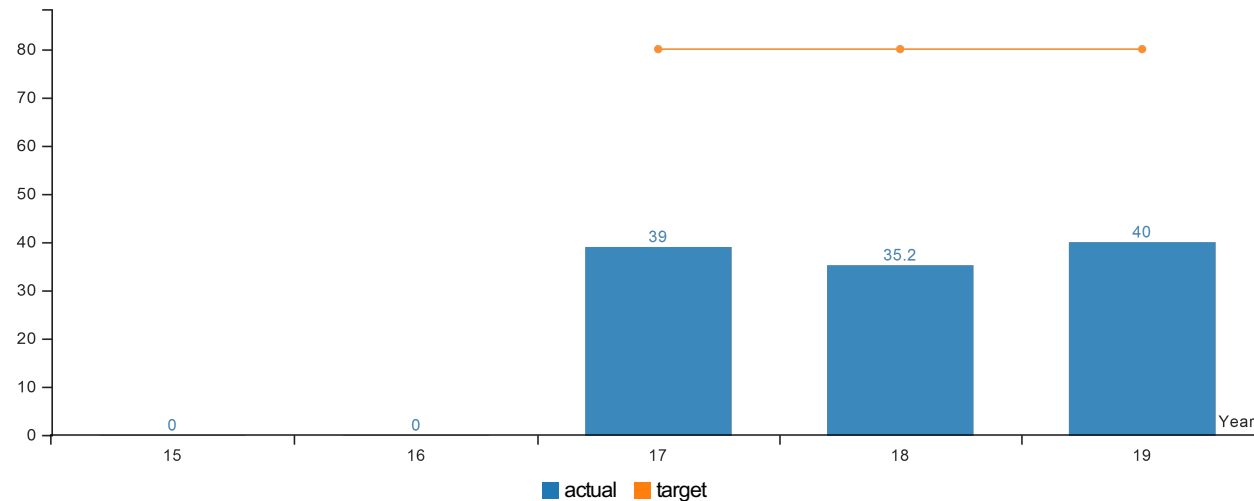
All 7 board members responded, with an aggregate 100.0% assessment score, an improvement over last year's results but in line with our results since 2015.

Factors Affecting Results

New members beginning their terms or board members not wanting to participate in state HR or management training may have varying responses to this KPM.

KPM #8	Days between complaint receipt and investigation preparation for Board. - Percent of cases having investigative reports written within 120 days from when a complaint is received to when the investigation is prepared for Board review/action.
	Data Collection Period: Sep 01 - Aug 31

* Upward Trend = positive result



Report Year	2015	2016	2017	2018	2019
Complaint receipt to investigation preparation to Board.					
Actual	No Data	No Data	39%	35.20%	40%
Target	TBD	TBD	80%	80%	80%

How Are We Doing

In our last reporting period, of the 54 complaints that were received, 35 of them (64.8%) included investigators' reports that were submitted in excess of 120 days from complaint receipt. The average days from receipt to investigators' report for the 35 cases was 200 days/case. For the other 19 cases (35.2%), the average days from receipt to investigators' report was 65.5 days (1,244 days/19 cases).

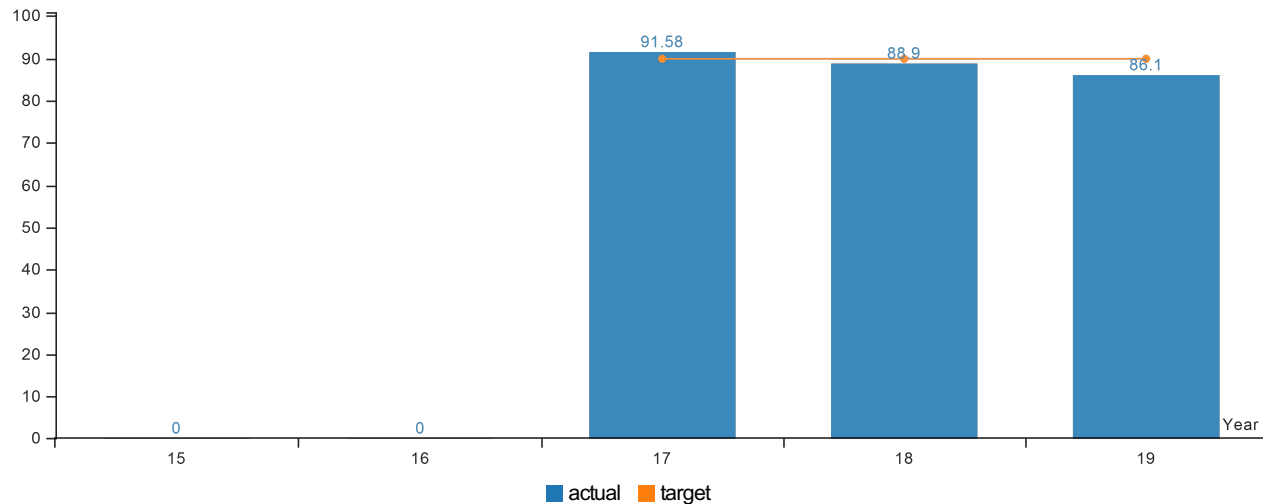
For the current reporting period, of the 40 complaints received, 24 of them (60%) included investigators' reports that were submitted in excess of 120 days from complaint receipt. The average days from receipt to investigators' report for the 24 cases was 216.3 days/case. For the other 16 cases (40%), the average days from receipt to investigators' report was 79.8 days/case. This 40% result is the best outcome since this KPM's inception in 2017. Being that it is so new, revision of this target may be considered at a future date to determine appropriateness for more relevant data.

Factors Affecting Results

The OBCE is a smaller professional licensing board, with 5.1 FTE (6 positions), of which only 2 are full time and those full time employees do not include our Investigator or Healthcare Investigator, who are .75 FTE and .60 FTE, respectively. Of the 40 cases that were over target, 3 involved the same DC and 2 involved similarly complex business structures that involved non-U.S. nationals with connections to larger criminal networks overseas.

KPM #9	Days between investigation preparation and presentation to the Board. - Percent of cases, with a prepared investigation that is ready for Board review/action, that are presented to the Board within 30 days of completion.
	Data Collection Period: Sep 01 - Aug 31

* Upward Trend = positive result



Report Year	2015	2016	2017	2018	2019
Days between investigation preparation and presentation to the Board.					
Actual	No Data	No Data	91.58%	88.90%	86.10%
Target	TBD	TBD	90%	90%	90%

How Are We Doing

For the previous reporting period, of the 54 cases where an investigation report was written and then presented to the Board, 48 of them (88.9%) were submitted within 30 days. Of the 6 cases that were submitted in over 30 days, the average time it took for submission was 43 days.

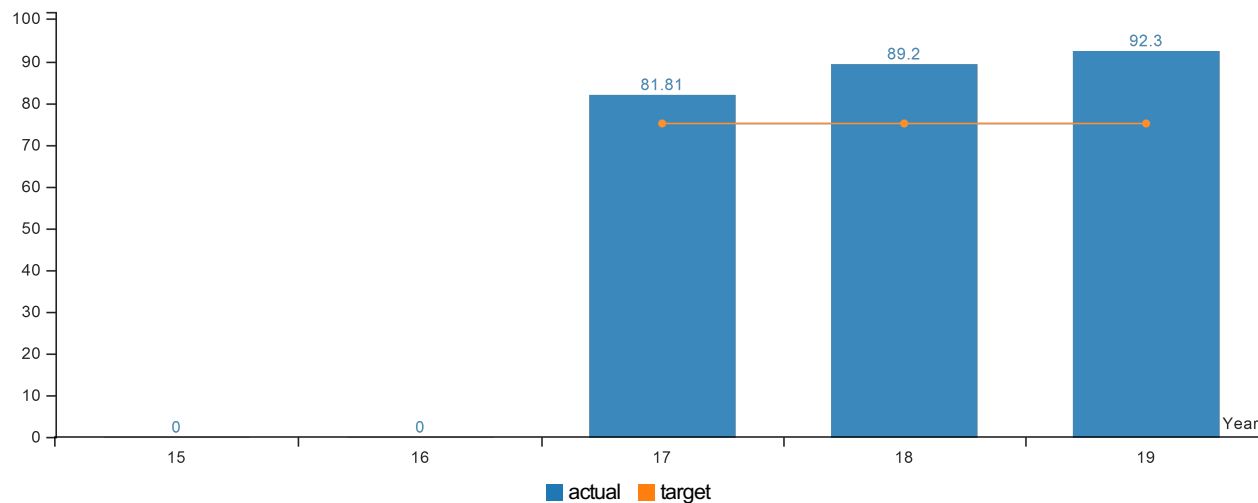
For this reporting period, of the 36 cases where an investigation report was written and then presented to the Board, 31 of them (86.1%) were submitted within 30 days. Of the 5 cases that were submitted in over 30 days, the average time it took for submission was 42.6 days.

Factors Affecting Results

Of the 5 cases that were submitted over our 30 day target, two involved individuals who were practicing chiropractic without a license and one case that involved multi-agency and multi-state involvement.

KPM #10	Days between Board review/initial action and case closure. - Percent of cases closed within 90 days of Board review/initial action.
	Data Collection Period: Sep 01 - Aug 31

* Upward Trend = positive result



Report Year	2015	2016	2017	2018	2019
Days between Board review/initial action and case closure.					
Actual	No Data	No Data	81.81%	89.20%	92.30%
Target	TBD	TBD	75%	75%	75%

How Are We Doing

We have exceeded this KPM (92.3%) and exceeded our percentage from 2018 (89.2%). Of the 26 cases closed during this reporting period, 24 of them (92.3%) were closed within 90 days after initial board review. 2 cases exceeded the 90 days target, both of which resulted in either revocation/surrender or suspension of the license. These 2 outliers had a case average of 186 days/case between initial board review and case closure.

Factors Affecting Results

If licensees who are being proposed discipline are not mentally competent to understand the process - either due to age or infirmity - or if they obtain legal counsel, request a hearing, and engage the agency in settlement negotiations after the initial board review, there will be an anticipated longer time span between that first review and when the case closes. The efforts that go into negotiated outcomes, especially around mental or physical health decline issues, rather than contested case hearings and possible appeals is well worth the time spent and possibly not meeting this KPM target for those purposes.