



THEODORE R. KULONGOSKI
Governor

September 2, 2005

The Honorable Bill Bradbury
Secretary of State
900 Court Street NE – Room 136
Salem OR 97301

Dear Secretary Bradbury:

I am returning House Bill 2588 unsigned and disapproved.

This bill would allow chiropractors to serve as attending physicians for some injured workers while the impact is studied, with the study cost of nearly \$1 million to be paid out of the Workers Benefit Fund.

The Workers Benefit Fund comes from employer and worker payments of a few cents for every hour worked. It was set up as a dedicated fund, specifically for the purposes of providing supplemental benefits for injured workers and helping them return to work. This special-purpose fund should not be used by the legislature to pay for studies or projects like that proposed by HB 2588.

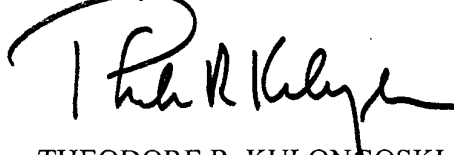
It is particularly inappropriate to use funds from the workers' compensation system to pay for a proposal that is not supported by employers and workers. HB 2588 has not received the support of the Management-Labor Advisory Committee (MLAC), consisting of representatives of management and labor; instead, it was promoted by chiropractors seeking greater authority to treat injured workers. In my view, changes in the workers' compensation system should be driven by the needs of employers and workers, not the desires of those who provide services.

Proponents of the bill have argued that chiropractic care can be a preferable and more cost-effective approach to treating some conditions such as back injuries. However, the bill is not limited to treatment of back injuries or other areas where chiropractic care may be appropriate. It would give chiropractors unlimited authority to serve as attending physicians regardless of the nature of the worker's injury, including responsibility for all treatment of the injured worker, establishment of treatment plans, authorization of time loss, releasing the worker to return to work, deciding when the worker is medically stationary, evaluation of permanent impairment, authorization of physical therapy, allowing the worker to decline light duty due to the commuting distance, and perhaps even approval of palliative (pain control) care needed to remain at work.

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September 2, 2005
Page Two

The role of chiropractors in workers' compensation was intentionally limited as part of the Mahonia Hall reforms. Thus far, I have not seen any evidence that access to chiropractic care under these limits is insufficient. Neither workers nor employers have said that the current limits cause problems. However, I am not opposed to the idea of re-examining the role of chiropractors in the workers' compensation system. For this reason, I am asking the Department of Consumer and Business Services, in conjunction with MLAC, to review the role of chiropractors in the workers' compensation system and make recommendations to the next legislative session. This review may cover the role of other providers if MLAC feels it would be appropriate. Once this review is complete, we will have better information on which to base a discussion about whether changes to the workers' compensation system are needed.

Sincerely

A handwritten signature in black ink, appearing to read 'Theodore R. Kulongoski', written over a large, stylized initial 'T'.

THEODORE R. KULONGOSKI
Governor

TRK:DCR:lmh