

New Duty to Report Law

A new Duty to Report law passed the 2009 Legislature requiring licensees to report “prohibited or unprofessional conduct” of other health licensees to their professional licensing boards without undue delay, but within 10 days.

These new Duty to Report provisions join the existing chiropractic Duty to Report requirements of ORS 684.200 and OAR 811-010-0040.

Under these provisions a chiropractic physician who has reasonable cause to believe a medical doctor, licensed massage therapist or a physical therapist (for example) were violating that profession’s laws or rules, would be required to make a report directly to that health regulatory board (or visa versa). You can find a listing of all health regulatory boards on the OBCE web page (www.oregon.gov/obce) under Related Links.

The new law requires reporting of “prohibited conduct” a conduct by a licensee that:

- (A) Constitutes a criminal act against a patient or client; or
- (B) Constitutes a criminal act that creates a risk of harm to a patient or client;

And the new law requires reporting of “Unprofessional conduct” which means conduct unbecoming a licensee or detrimental to the best interests of the public, including conduct contrary to recognized standards of ethics of the licensee’s profession or conduct that endangers the health, safety or welfare of a patient or client.

In the rare situation where the other health professional is the chiropractic physician’s patient, the HIPAA implications should be considered before any reporting.

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New OBCE Board Member

Dr. Ann Goldeen from Astoria joined the Board in June 2009. She has practiced chiropractic since 1981 after graduating from Western States Chiropractic College. Dr. Goldeen has served on the OBCE’s Peer Review Committee and on the

New OBCE member, Ann Goldeen DC

Educational Manual Seed Panel on Diagnostic Imaging. In her application she stated, “I have the perspective of nearly thirty years in practice. I wish to help the profession and protect the public. The Chiropractic profession needs to maintain the highest standards in the ethical, business, community and financial arenas.” ■

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President's Report

Michael Vissers, DC
OBCE Board President

How does the OBCE make policy decisions?

We frequently receive practice and policy questions from chiropractic physicians, their staff, patients, other health professionals, claims representatives and others. The best approach is to write us a letter with supporting information which then can be considered under Correspondence on our regular bi-monthly public agenda. However, a phone call to our office can also be enough to start the conversation.

Our goal is to obtain all the relevant information for an unbiased and fair determination. Often this takes some research and effort as new and different devices, procedures, and creative interpretations are brought forward.

In the following order we review the Oregon Chiropractic Practice Act (ORS 684), other applicable state laws, Chapter 811 administrative rules and previous policy determinations or in some cases disciplinary final orders.

If the request is to determine whether a device or procedure is standard, investigational or should not be used, we consult our ETSDP committee and their review of the literature. Whether a device or procedure is taught in a chiropractic college is sometimes the key.

The recent issue of "dry needling" is a case in point. As one doctor pointed out the physical therapists are doing this and states this is not the same as traditional Chinese acupuncture. Why not "dry needling" for chiropractic care?

Our September meeting review determined again that Oregon acupuncture law covers "dry needling." Subsequently we learned Oregon Physical Therapy Board approved "dry needling" for their licensees. Then we learned that determination is under challenge from the Medical Board's

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The mission of the Oregon Board of Chiropractic Examiners is to serve the public, regulate the practice of chiropractic, promote quality, and ensure competent ethical health care.

BackTalk is the official newsletter of the Oregon Board of Chiropractic Examiners. The Board's next meeting, November 19, 2009, will be held at the OBCE office in Salem, and the January 21, 2010 meeting will be held in the Hampton Hall Conference room at Western States Chiropractic College in Portland. For information go to the OBCE web site at www.oregon.gov/obce or call the Board office.

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President's Report

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Acupuncture Advisory Committee and that profession's associations.

Also, since our last meeting the OBCE has received additional information worthy of consideration. The resolution to this issue may be a matter of legal interpretation. To that end, we're waiting to see if the Attorney General legal advice to all the health boards clarifies the meaning of our various laws for all involved. Then, we'll see how much room we have to make a board policy decision with the parameters of existing law.

We have addressed many issues during my time on the OBCE and I believe we do so with an open mind and a willingness to consider all points of view. Not everybody will always be satisfied with the result, but our goal is to stay within the law and meet our mission of public protection and the promotion of quality in chiropractic care.

Our commitment is to make the best decisions possible based on the best information. If we receive additional information on any subject, we give that due consideration.

We try to keep everyone updated with a regular BackTalk and our online OBCE Guide to Policy and Practice questions. If in doubt, please call our office and ask. ■



Licensee Email & Home Address Policy

This issue of the BackTalk is being distributed by email to all chiropractic physicians who have an email address. It is also posted on the OBCE Web page at www.oregon.gov/obce. This is a cost savings measure as postage and printing can be pricey, but this also recognizes the extent to which email and the Web have become important methods of communication.

The Board is sensitive to concerns that any distribution of an email list could result in a flood of unwanted solicitations from vendors of all stripes (not to mention SPAM), so at their September 2009 meeting they adopted the following policy:

The OBCE will not release lists of licensee electronic mail addresses to outside vendors or organizations, except as required by law. The OBCE may utilize the licensee email list for agency communications and notifications. The OBCE will not release licensee home addresses and personal telephone numbers, unless the licensee designates these as their official mailing and contact information (usually on the renewal form).

A new state law passed by the 2009 Legislature gives health regulatory boards authority to protect licensee electronic mail addresses, home addresses and personal telephone numbers from public disclosure. ■

◀ **Minga Guerrero DC (right) receives the OBCE Plaque of Appreciation from President Michael Vissers for her six years of service as OBCE Board President and member.**

OBCE Ethics & Jurisprudence Exam

A workshop attended by 40 chiropractic physicians, one attorney and staff, met June 18th in Wilsonville to review and write test questions utilizing the Minnesota board's format. 114 new questions (aka Items) were approved. Using an online platform, the questions still need a beta test before the revamped exam is offered to applicants for chiropractic physician licensure.

The current OBCE Ethics & Jurisprudence exam is a 50 question multiple choice exam covering topics such as advertising, boundaries, chiropractic assistants, student interns, CE, fees, billing, licensing, examination, peer review, record keeping, records release, scope of practice, unprofessional conduct, unlicensed practice and more. Below is an example:

- 58. "Improper advertising" is defined as any advertising which**
- States any fact which would result in the communication being untruthful, misleading or deceptive
 - Gives statistical or other assertions of predicted rates of success of treatment
 - Claims a specialty, degree or diplomate not possessed or that does not exist
 - All of the above

The pass rate is set at 80% and very few applicants for a chiropractic license fail this test. The current format is a pen and paper test, 50 minutes in length and is not open book.

Minnesota Ethics Exam Model Explained

The Minnesota ethics exam model is intended to be a more interactive learning experience. The format is open book with 50 items and may be completed at the applicant's convenience and location. The applicable statutes and rules are provided along with the exam. The applicant signs an affidavit attesting that "I alone completed the enclosed Minnesota Board of Chiropractic Examiners Jurisprudence exam and am knowledgeable with regard to its contents contained herein."

Each Minnesota exam item is a "statement of violation" of the Minnesota Statutes or Rules which pertain to the practice of chiropractic. Any of the violations can lead to action against the license which may include restriction, suspension, revocation, or some other appropriate action.

From the set of answers provided for each question, the test taker writes the letter of the most applicable statute or rule in the blank next to the violation described.

An example of this format as the OBCE would use it is:

- 2. A chiropractor refers to himself only as Dr. Robert Jones in all of his advertising, signs and promotional materials. (This is in violation of)**
- ORS 684.100 (1) (a)
 - ORS 684.100 (1) (m)
 - OAR 811-035-0015 (12)
 - OAR 811-015-0045 (3)

Chiropractic Malpractice Action Reporting

This new law adds chiropractic physicians to ORS 742.400 which currently requires malpractice insurers to report claims to licensing boards for medical doctors, dentists, optometrists, nurse practitioners and naturopaths. However, the only claims posted on the OBCE website will be those which resulted in a judicial finding or admission of liability or a money judgment, award or settlement that involves a payment to the claimant. ■

OBCE Ethics & Jurisprudence Exam



The Peer Review/Competency work group (front left to right) Drs. Lisa Kouzes, Bruce Pace, David Corll, Gregg Helms, and Lisa Hoffman

The Fees and Billing work group (left to right) Drs. Melissa McMullen, Michael Vissers, Ron LeFebvre, Lee Cowan and Jay Harris.

The Unprofessional Conduct work group (clockwise from top left) Drs. KC Snellgrove, Kathleen Galligan, Chris Clark, Michael Miller and Carolyn McCarton.



Breast Thermography

The ETSDP (Examinations, Tests, Substances, Devices and Procedures) Committee met July 30th to review breast thermography as utilized by some chiropractic physicians. Dean Clark, DC from Portland, made a presentation regarding the benefits of this procedure stating that this is a good way to get early detection of pathologies.

The resulting discussion showed this to be a controversial issue. A key issue is whether breast thermography is an alternative to mammography or an adjunct to it. Much concern was expressed that some women may believe a breast thermography examination is acceptable without the standard examinations.

The committee requested that the proponents address all the questions in the ETSDP application and provide the current evidence and literature for the committee's review. The ETSDP Committee plans to meet again on January 14, 2010.

Current ETSDP Committee members are: Drs. Minga Guerrero (chair), Lee Cowan, Judy Boothby, Lester Lamm, Jay Harris, James Aungst, Guillermo Bermudez and Jay Harris. Persons interested in serving on this committee should write the OBCE. ■

Chiropractic Assistant Corner

By Kelly Beringer

Did you realize that there were 1042 licensed chiropractic assistants at the beginning of this most recent 2009 CA license renewal? That is a 30% INCREASE from last year's numbers; that is amazing! Although the number dropped to 817 on July 31, we are already back up to 951 licensed CA's (as of this writing).

For anyone out there interested, THIS is a force! Compare these numbers to the 1742 DC licensees (1418 active and 324 inactive), and you can proudly say, "Chiropractic in Oregon is growing!"

I encourage all chiropractic assistants to join the Yahoo e-group, "oregoncagroup" by visiting this link: <http://health.groups.yahoo.com/group/oregonccagroup>. Currently there are 94 members, but there could be over 900! The benefits include discussions about office policies, practice questions, billing and coding, new regulations, even possible job opportunities; and most important to me(!) are those reminders about maintaining your license.

I am a member of the "oregoncagroup" but have not been an active member. As I write this, I realize that I could also be a valuable source of information, even by posting a few messages a year. Such as, "Remember to ...

1. Notify the board of changes in employment, or contact changes (address/phone)
2. Complete your CE hours prior to the license renewal reporting period; don't wait until June to search for CE
3. Complete and submit your annual license renewal (CE & payment) PRIOR TO the July 31 deadline.
4. Check http://www.oregon.gov/OBCE/cont_ed.shtml for CE

The OBCE's website is a great source for many questions. If you haven't been there, please visit. While you're there, please tell us how we're doing via the Customer Satisfaction Survey located on the Menu. ■

Peer Review Committee Openings

The OBCE is currently accepting applications for two alternate members for the OBCE Peer Review Committee. Alternate members may attend and participate in meetings and will become full voting members when there is an opening on the seven member committee.

The OBCE refers complaints to the Peer Review Committee for in-depth file reviews and personal interviews with respondent doctors and sometimes complainants. Their primary role is investigatory and typically involves complaints regarding alleged violations concerning clinical justification, course of treatment, documentation, and billing. At the conclusion of the review, the committee makes a report back to the OBCE.

The Peer Review Committee meets six to eight times a year, usually on 2nd Thursdays at the OBCE offices in Salem. Peer Review members must be willing to assist with report writing and possible expert testimony in contested case hearings.

Any Oregon chiropractic physician in active practice for at least five years wishing to serve on this committee should submit a letter of interest and resume to the OBCE, 3218 Pringle Road SE #150, Salem, Oregon 97302, or fax 503-362-1260. If you have applied before, you are asked to provide a new letter and resume. The Board will interview the applicants at their November 19, 2009 meeting.

Women, people of color, and bilingual persons are encouraged to apply (SB 786). Applicants from outside the Willamette Valley are also encouraged to apply. ■

Policy & Practice Questions

Question: *(from a chiropractic clinic manager) A patient who was in a car accident wants us to bill her regular health insurance instead of her auto PIP insurance. Is this acceptable?*

Answer: No, ORS 742.526 states that the auto PIP insurance is primary.

Question: *May a chiropractic clinic obtain nutritional supplements from a multilevel marketing company?*

Answer: DCs may obtain their nutritional supplements from any retail or wholesale source. So the answer is a qualified yes. However, engaging in multi-level marketing to patients is a different matter. If a chiropractic physician were to recruit patients to sell the product and thus earn a commission, that could be in violation of the Board's rule on fee-splitting (OAR 811-035-0015 (24)). If the DC merely obtains and retails the product to patients, that is not multi-level marketing or fee-splitting.

Question: *I am a Chiropractor who practices in Taiwan which recognizes United States Chiropractic licenses. However, I have two chiropractic assistants who require recognition. If it is possible, can the State of Oregon issue a chiropractic assistant license for the chiropractic assistants here in Taiwan?*

Answer: No. A chiropractic assistant certificate is only valid in the State of Oregon and under the supervision of an Oregon licensed chiropractor.

Question: *(from a DC) I have received a solicitation as well as phone calls from a company in New York (ChiroAppointment.com). They claim to have names of patients who are interested in chiropractic care. They charge \$40 per referral. Is this a violation?*

Answer: This is most definitely a violation of the fee splitting rule, OAR 811-035-0015 (24). See the article in the [Summer 2008 BackTalk](#).

Question: *(from an acupuncturist clinic owner) We currently have 2 independent DCs working in our space. We have been advised to change our business model and bring the DCs onto payroll rather than having them as independent contractors. Are there any restrictions in terms of hiring DCs? Could the business also hire a CA, and have the DC supervise?*

Answer: Yes, DCs may be hired as employees and they may also employ other health professionals. As the independent contractor situation is fraught with issues, having employees is probably a safer way to operate. We do have a requirement that chiropractic clinics must be majority owned and controlled by licensed Oregon chiropractors, but that same rule allows for multi-disciplinary (Oregon health licensee) clinics as well. What we don't want is non-health care or corporate controlled practice of chiropractic health care. However, it is the DC's responsibility to be part of a clinic that is compliant with our laws and rules, including the Oregon Doctor's Title Act, which applies to L.Ac.'s as well. The clinic may hire a chiropractic assistant as long as the DC is on site to supervise any practice as a CA. A complete explanation of our chiropractic assistant rules and policies can be found on the OBCE web page.

Question: *May a chiropractor place their names in the medical and osteopathic doctor section in the Yellow Pages (in addition to the chiropractic section)? The salesman said that's one way to obtain additional advertising.*

Answer: That is likely misleading advertising in violation of the OBCE advertising rule, OAR 811-015-0005.

Question: *Is it OK to have patient testimonials in chiropractic advertising?*

Answer: Yes, those are not prohibited. ■

Proposed Administrative Rules

The OBCE has begun rulemaking to clarify informed consent for physical examinations, to allow an open book exam for the Ethics & Jurisprudence state exam and to finalize the increase in board member per diem authorized by the 2009 Legislature. A public hearing is scheduled for November 19, 2009 before the OBCE. The OBCE will review the report of the Administrative Rules Advisory Committee which met on Tuesday, October 20, 2009.

811-035-0005 (2) (Duties and Obligations): The current rule on informed consent is ambiguous regarding informed consent for examination procedures. The Board of Chiropractic wants to clarify these informed consent requirements to make the rule more explicit.

811-035-0015 (18) (Unprofessional Conduct): This section needs to be amended to allow an open book examination for the revised Ethics and Jurisprudence state examination.

811-010-0071 New subsection (2): House Bill 2058 passed the 2009 Legislature which allows health regulatory boards to determine board member per diem by administrative rule. HB 5054 passed approving an increase in funding for OBCE board member per diem. The proposed level of \$150 per day recognizes the major time commitment required of board members.

Current Rules Committee members are: Drs. David Ager, James Aungst, Daniel Beeson Marcella Box, Chris Clark, John Collins, Sharron Fuchs, Gregg Helms, Richard Hews, Kevin Holzapfel, Craig B. Johnson, Neil McMahon, Michael Megehee, Michael Miller, Christopher Osterlitz, L. Robert Taylor, Michelle Waggoner, Brent Smith, and Michael Smith AAL and OBCE liaison Joyce McClure DC. Persons interested in serving on this committee should write the OBCE. ■

Lam Probe 4000 Denied

The OBCE reviewed the Lam Probe 4000 device and voted to deny its use by chiropractic physicians in Oregon. This device utilizes high frequency technology to treat various cosmetic skin conditions. The OBCE referred to previous legal advice that similar laser treatments for cosmetic purposes are not within the Oregon chiropractic scope of practice and determined this is an analogous situation. Also the fact this or similar devices are not taught in chiropractic college indicates this is outside the scope as defined by ORS 684.010. ■

New Duty to Report Law

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Self Report Criminal Convictions

The new law also requires that a licensee (DC or CCA) must report to the OBCE within 10 days any arrest for, or conviction of, a felony offense. A licensee who is convicted of a misdemeanor offense must report this to the OBCE within 10 days.

The OBCE will continue to ask on all renewal forms whether any criminal convictions or arrests have occurred. Any failure to promptly report could result in disciplinary action.

There is no prescribed format for reporting. A telephone call, fax, email or letter are all effective methods to communicate to the intended health regulatory board. What is important is that the information be sufficiently detailed and well founded for the agency's review and response. ■

Licensing & CE

By Kelly Beringer

Dear Doctors,

You may have noticed the OBCE has not attempted to change anything about the license renewal process for a few years (yay!), so this means that the processing of your re-licensure has been running smoothly (most often!). We are continuing with our monthly renewals, and our random CE checking. Having said that.....



With your cooperation, the OBCE could begin to consider online license renewals (not likely in the coming year, but hopefully soon thereafter). This could be a time and money saver for all. Payment through a secure electronic system would be used, of course.

On a somewhat related note, the OBCE recently sent its "Going Green" message to licensees via email and regular mail (for those without email). Our point of "going green" is the same as many others' efforts - the savings in paper and postage, increasing production (yours and ours!), access and availability to information.

Please feel free to email the OBCE with your opinions about "going green" (with our Backtalk newsletters, renewal notices and administrative rule notices, etc.) Email the OBCE at Oregon.obce@state.or.us with your comments for, or against. Please explain why you are opposed, if so, so we may consider other options. ■

OBCE Public Protection Update

January 31, 2009 to October 13, 2009

Final Actions

Mark Schroering DC. Stipulated Final Order. \$500 civil penalty, file reviews for two years, and 12 hours additional continuing education hours on billing, coding and record keeping. Violations of ORS 684.100(1)(g)(A) and OAR 811-015-0005(1) for not keeping accurate records on all patients, including but not limited to legible notes, and updated treatment plans; ORS 684.100(1)(g)(A), (1)(n) and OAR 811-015-0015(10) for therapies performed by an unlicensed person. (1/14/2009)

Lee Lloyd DC. \$450 civil penalty for failure to complete 4 hours of the 20 hour CE requirement during licensure year, signing a false affidavit, and failure to complete the Evidence-Based Outcomes Management CE prior to the January 1, 2008 deadline. Violations of OAR 811-015-0025 and ORS 684.092, OAR 811-035-0015(16). (2/18/2009)

Thomas F. Miller DC. \$1500 civil penalty and 12 hours additional continuing education hours in x-ray technique. Violations of ORS 684.100(1)(g)(A), OAR 811-030-0020(2) and (7) for failure to use appropriate x-ray shields and lack of collimation or appropriately placed filters. Violation of ORS 684.100(1)(g)(A), and OAR 811-015-

0000(2) for failure to make sure the patient was informed about fees and billing procedures prior to any charges being incurred. (2/25/2009)

John Donovan DC. \$250 civil penalty for signing a false affidavit. Violations of OAR 811-015-0025 and ORS 684.092, OAR 811-035-0015(16). (4/1/2009)

David Bohrer DC. Consent Order. License Suspension pending completion of evaluation and treatment at a Board approved facility to address substance abuse and dependency issues. Violations of ORS 684.100(1)(f) and OAR 811-035-0015(13). The Board may reinstate Licensee's license once treatment has been completed and ongoing monitoring is in place. (4/19/2009)

Tatyana Starostenko CA. Conditions on Chiropractic Assistant license to inform current and prospective chiropractic employers of her Theft 3 - C Misdemeanor charge. (6/3/2009)

Jason Lutz CA. Revocation of chiropractic assistant certificate for boundary violations involving a patient and a massage client and failure to cooperate with the investigation Violations of OAR 811-010-0110(14)(a) OAR 811-035-0015(1)

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(a) and (c) and ORS 684.100(1)(g)(A), (1)(d) and OAR 811-035-0015(20). (6/2/2009)

Leaun Fuchs DC. Final Order by Default with a \$550 civil penalty for failure to complete the 20 hour CE requirement during licensure year, signing a false affidavit. Violations of OAR 811-015-0025 and ORS 684.092, OAR 811-035-0015(16). (7/16/2009)

Andrew Cha DC. Final Order by Default. The Final Order imposes a three-year probation which includes a Plan of Supervision with a Mentor, PIP treatment limitations, file reviews, 12 additional CE hours in record keeping and 4 in x-ray, and \$2,000 civil penalty. Multiple violations related to:

1. ORS 684.100(1)(g)(A), OAR 811-010-0110(7), OAR 811-035-0005 and OAR 811-035-0015 (allowing a Chiropractic Assistant to perform the history taking for his patients in order to save time).

2, 3 & 6. ORS 684.100(1)(g)(A), OAR 811-015-0005, OAR 811-035-0005 and OAR 811-035-0015 (altering chart notes).

4. ORS 684.100(1)(g)(A), OAR 811-015-0005(1)(a), OAR 811-15-0010(1), OAR 811-035-0005 and 811-035-0015(19) and (2), (No patient history evident in the patient file, without which Licensee is not able to fully assess a patient's condition and would not be able to charge E/M code 99203 requiring a detailed history).

5. ORS 684.100(1)(g)(A), OAR 811-035-0005(1), 811-035-0015(2), (5), (7) and (12). (The charge for an E/M 99214 was not supported for exam).

7. ORS 684.100(1)(g)(B), OAR 811-015-0010(1)-(4), OAR 811-035-0005, OAR 811-035-0015(2), (5), (7), and (12) and 811-030-0030(d). (lack of clinical justification for a MRI).

8. ORS 684.100(1)(g)(A), OAR 811-015-0005 and 811-030-0030(2)(m) (inaccurate and erroneous x-ray report findings).

9. ORS 684.100(1)(g)(A), OAR 811-030-0020 (2) and 811-030-0030 (2)(b), (d) and (i), OAR 811-035-0005 and OAR 811-035-0015(2), (7) and (12) (x-ray violations).

10. ORS 684.100(1)(g)(A), OAR 811-035-0005 and OAR 811-035-0015 (Lack of clinical justification for full spine film series and altered chart notes).

11. ORS 684.100(1)(g)(A) and OAR 811-015-0010 (4) (Exam notes confusing and of minimal value, no standardized method for monitoring

treatment efficacy, many dates of service had reports where the subjective reports said the same exact thing, on each visit).

12. ORS 684.100(1)(g) and OAR 811-015-0005(1)(b) (chart notes lacked clinic name, address, doctor's name and author of the record were not indicated as required).

13. Peer Review found violations of ORS 684.100(1)(g)(A) and (B) and OAR 811-010-0110(7), OAR 811-015-0005(1), 811-015-0010(1) and (4), 811-030-0020(2), 811-030-0030(2) 811-035-0005(1) and 811-035-0015(2), (5), (7), (12) and (19), and violating Oregon Chiropractic Practice and Utilization Guidelines for providing excessive and possibly unnecessary care. (7/17/2009)

Christian Schuster DC. Final Order. The Final Order imposes a three year suspension (90 day suspension to be served beginning August 1, 2009, the remainder is stayed pending a probationary period and final order compliance); \$20,000 civil penalty, a two-year mentoring program with file reviews, 20 hour additional continuing education in record keeping and \$44,321 cost recovery. If Licensee fails to abide by the terms of the probation set by the Board the remaining balance of the suspension may be imposed immediately.

The Final Order adopts the Administrative Law Judge's findings of violations for ignoring and delaying release of record requests, failure to provide requested patients records to patients, insurance companies and attorneys; failure to keep current records on numerous patients; failure to adequately chart the patient's examination or subjective complaints, diagnoses or treatment plan; and all of the above causing harm to patients. The OBCE made additional findings regarding the harm done to patients and others, and noted Licensee's previous disciplinary history. Violations of ORS 684.100(1)(g)(A), ORS 684.100(1)(r) and OAR 811-015-0005(1), 811-015-0006(1), and OAR 811-035-0015. This order resolves 9 complaints. (7/16/2009)

Randall Fish DC. Conditions on License. Licensee entered into diversion to include a 48 week Domestic Violence Deferred Sentence Program as well as an 8 week drug and alcohol assessment which includes random UA's. The conditions are for successful completion of this program and one additional year of UAs and counseling. Pursuant to ORS 684.100(9), ORS 684.100(1)(s) and violations of ORS 684.100 (1)(d), OAR 811-035-0015 (7/16/2009)

Terra Schueneman, CA. Conditions on Chiropractic Assistant license to inform current

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and prospective chiropractic employers that on April 29, 2005 she was convicted of Fleeing or Attempting to Elude Police with Vehicle and Misdemeanor Driving and sentenced to two years probation. (7/24/2009)

Mark Walsh DC. Conditions on license for failure to make any payments toward his \$20,000 Civil Penalty as agreed to in a Stipulated Final Order signed August 15, 2006. Violations of ORS 684.100(1)(g)(A) and OAR 811-035-0015(23). *(Licensee became current with a payment of \$7,400 on 10/13/2009. If he falls more than 30 days behind in his \$200 per month payment his license will be suspended.)* (8/12/2009)

Jonathan Hansel DC ND. Consent Order. His license to practice has been reinstated with a five year probation with conditions after completion of a substance abuse treatment program. The probation requires continued UAs, participation in group meetings and appearances before the OBCE. The Naturopathic Board of Examiners reinstated his ND license with conditions last August. Violations of 684.100(1)(f) for habitual or excessive use of controlled substances. (9/18/2009)

Daniel P. Miller DC. Stipulated Final Order. Two years probation (with file reviews), \$2,000 civil penalty, and 8 additional hours of board approved continuing education on documentation and chart notes. On July 16, 2009, the Board considered and adopted the report of the Peer Review Committee finding Licensee in violation of ORS 684.100(1)(g)(A) and (B) and OAR 811-010-0110(7), OAR 811-015-0005(1), 811-015-0010(1) and (4), 811-030-0030, 811-035-0005(1) and 811-035-0015, and violating Oregon Chiropractic Practice and Utilization Guidelines for providing care without clinical justification and chart notes that were incomplete and failed to meet the minimum standards. (9/22/2009)

Shane McLaughlin DC. Stipulated Final Order. 60 day suspension, two year probation with file reviews, \$5,000 civil penalty, and 12 hours of additional board approved continuing education on documentation and chart notes. On July 16, 2009, the Board considered and adopted the Peer Review Committee report finding Licensee in violation of ORS 684.100(1)(g)(A) and (B) and OAR 811-015-0005(1), 811-015-0010(1), and 811-035-0015(5)(7) and (12) for providing care without clinical justification, charting and billing for services not rendered. (7/24/2009)

Ryan Lambert DC. Letter of Reprimand, \$3000 Civil Penalty, NBCE Ethics examination and 8 hours additional CE in ethics for misleading advertising and falsifying evidence of chiropractic liability insurance. (11/02/2009)

New Proposed Actions

Case # 2009 - 5010. Proposed revocation for alleged violations for practicing while suspended in violation of the Consent Order dated April 19, 2009. As of July 30, 2009 Licensee has entered into an in-patient treatment program for substance abuse. The Board will review this Notice and current suspension following the outcome of his evaluation and treatment.) (7/21/2009)

Case # 2009-3017. Proposed \$10,000 civil penalty for unlicensed practice of chiropractic (Alphabiotic/Crane Condyle Lift) in Klamath Falls, Oregon. Violations of ORS 684.015 and OAR 811-010-0120. (7/16/2009)

Brent Warner DC. Case # 2009-1009. Proposed 120 day suspension, three year probation, PROBE ethics program, and \$5,000 civil penalty for sexual relations with a patient, failure to keep chart notes and failure to cooperate with a board investigation. Alleged violations of ORS 684.100 (1)(g) (A), OAR 811-035-0015(1)(b)-(e), OAR 811-015-0005(1), 811-035-0015 (19) and (20). (7/21/2009)

Gregory Moll DC. Case # 2009-5007. Proposed license revocation for sexual relations, boundary violations and unprofessional conduct towards seven female patients and failure to keep chart notes on patients, friends and co workers. Alleged violations of ORS 684.100 (1)(g)(A); OAR 811-035-0015(1)(a)-(e) and (11), ORS 684.025(3) and OAR 811-015-0005. (9/22/2009)

Case # 2009-5011. Proposed condition on chiropractic assistant certification to disclose his conviction history to present and future chiropractic employer and submit to random UA for three years. (9/22/2009)

Other Orders

Lance Hatch DC. Consent Agreement. The OBCE accepted his application to reenter practice after passage of the state examinations and the NBCE Special Purposes Examination for Competency and other restrictions. His Oregon chiropractic license was revoked 2/1/2007 following federal conviction for tax issues. (3/30/2009)

Dismissed Complaints

For this reporting period there were findings of 4 No Statutory Violation (N.S.V.), 12 Case Closed, and 9 Insufficient Evidence (I.E.) five of which included Letters of Concern. The OBCE's policy is to not publish in the BackTalk respondent names for proposed orders, except for sexual misconduct/boundary issues.

A total of 50 complaints were closed during this period.

NEW LICENSED DCs

Jan 27 2009 to Oct 15 2009

Tatsuya Abe
Nima M. Arabani
Michael S. Banman
Cheri D. Brown
Daniel K. Burnett
Philippa L. Carrie
Jon N. Chambers
Urvashi C. Chetty
Danielle M. Cornelius
Steven J. Dellisanti
Stefanie A. Drozdowski
Daniel S. Drozdowski
Carrie N. Ebling
Sather Ekblad
Leila Everall
Kyle M. Gillett
Colin D. Grice
Shawn S. Hatch
Lance B. Hatch
Stephanie M. Hath
Abigail C. Heppner
Richard C. Hill
John S. Hilton

Mansour Hossein
Laurie A. Hubbell-Smith
Tate J. Huffman
Aaron S. Humberston
Andrew J. Isaksen
Rachael H. Jacobs
Matthew O. Jensen
Laurel L. Johnson
Amanda R. Kremer
Kevin D. Lewis
Erich R. Lieberknecht
James J. Lybarger
Hamed Madani
Timothy B. March
Martin D. McIntosh
Audra G. Mehan
Tyna L. Moore
Michael P. Morrison
Elizabeth B. Nguyen
William J. O'Donnell
Louise P. Paez
Gregg N. Palzer
Alex M. Pandzik

John C. Richardson
Patrick S. Roberts
Karin N. Rodrigue
Felipe R. Rodriguez
Richard Rogachevsky
Joel C. Roskamp
David L. Schanaker
Tiffany B. Schumacher
Dane S. Seitz
Virginia H. Shapiro
Trenton M. Shoemaker
Brian B. Sims
Deborah J. Stano
Amanda L. Stevenson
Nicole M. Stills
Ann M. Tarr
Tara K. Tedrick
Alexander Tucker
Benjamin L. Voth
Stephen C. Wagner
Susan D. White
Jared J. Wilson
Michael T. Wise

Please share BackTalk with your Chiropractic Assistants and Staff.



BackTalk

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