

## OBCE Public Protection Update

Final and Proposed actions May 26, 2006 to February 2, 2007

### Final Actions

**Terrance Hansen DC**, Final Order by Default. \$250 civil penalty for violations of ORS 676.100 and OAR 811-015-0045(3), Oregon Doctor's Title Act. "Licensee has failed to identify his profession on his newspaper advertising prior to April 1, 2006, and consistently has failed to identify his profession on his website and telephone advertising, even after being informed about the applicable law both verbally and in writing. After having properly identified his profession in his newspaper advertising on Thursday, April 13, 2006, Licensee's newspaper ad then is changed to "Hansen DC." It is the determination of the Board that the term "DC" by itself is not compliant with the advertising requirements of the Oregon Doctor's Title Act which requires use of the terms, "chiropractor," "chiropractic physician," or presumably "chiropractic" in all advertising." (6/29/2006)

**Adam Lopez DC**, Final Order by Default. 30 day suspension, three years probation, \$5,000 civil penalty and ProBE ethics course for sexual misconduct and boundary violations with one patient. Violations of ORS 684.100(1)(g)(A); and OAR 811-035-0015(1)(b) through(e). (7/6/2006)

**Todd Hansen DC**, Final Order by Default. Letter of Reprimand and \$1,000 civil penalty for unsupervised and unlicensed practice by an employee as a chiropractic assistant. Violations ORS 684.100 (1)(g) and (n); OAR 811-035-0015 (3) and (10). (7/12/2006)

**James Olshove DC**, Final Order by Default. Letter of Reprimand and \$1,500 civil penalty for unlicensed and unsupervised practice of massage by doctor's chiropractic assistant; substandard history and examination, and altered or fabricated chart notes. Violations of ORS 684.100(1)(g)(A) and (B), OAR 811-015-0010, 811-010-0110 (15), and 811-035-0015 (3), (4) and (12). (8/2/2006)

**Jason C. Morris, DC, applicant**. Consent Agreement for conditions on license related to DUI convictions in Arizona. Applicant agrees to abide by Arizona board stipulations for probation and UA testing. Violations of ORS 684.100(1)(f) , ORS 684.100 (1)(g)(A), and OAR 811-035-0015(13). (8/6/2006)

**Terry Womack DC**, Final Order of Revocation and cost recovery for sexual misconduct and boundary violations with ten female patients. (Licensee had previous disciplinary order for similar violations.) The OBCE adopted the Administrative Law Judge's recommendations following a five-day contested case hearing. Violations of ORS 684.100(1)(g)(A); and OAR 811-035-0015 (1)(a) and (1)(c)(B). (Final order may be found on the OBCE's Web page.) (8/10/2006) (See Final Order elsewhere on these web pages)

**Mark Walsh DC**, Stipulated Final Order. Six-month suspension, \$20,000 civil penalty, ten-year probation and NBCE Ethics & Boundary Examination. Licensee attempted to borrow substantial amounts of money from up to four patients. (Licensee has previous disciplinary order for charging patients credit cards without their knowledge.) Violations of ORS 684.100(1)(g)(A); and OAR 811-035-0015(8). Also altered chart notes, and billings for services not provided are violations of ORS 684.100(1)(g)(A) and OAR 811-035-0015(5) and (12), 811-035-0005(1). (8/15/2006)

**Nick Toyas DC**, Stipulated Final Order. One-year mentoring plan to ensure acceptable examination, clinical justification, charting and billing practices, and 12 hours additional CE in clinical record keeping and chiropractic examination procedures. Violations of 811-015-0010 (1), (3) and (4); 811-035-0005 (2), and 811-035-0015(5). Board action follows Peer Review Committee report. (9/12/2006)

**Gail Ott DC**, Stipulated Final Order, Letter of Reprimand and \$500 Civil Penalty. Violation of OAR 811-010-0110 (6) and (15) and ORS 684.100(1)(g)(A) in that Licensee failed to supervise certified chiropractic assistant who admitted to four instances of unsupervised massage. 10/1/2006)

**Samantha Kennedy CCA**, Final Order by Default. Letter of Reprimand and \$250 Civil Penalty. Licensee admitted to four instances where she provided massage without the supervision and the on site presence of a chiropractic physician and practiced massage without a license. Violations of OAR 811-010-0110 (6) and (15) and ORS 684.100(1)(g)(A). (11/9/2006)

**Joseph Shields DC**, Final Order by Default. 90 day suspension, 12 CE additional hours on risk management and documentation/chart noting, and one-year mentor program. Following interview with Licensee, the Peer Review Committee and the OBCE found Licensee did not follow the standard of care and failed to correctly assess the situation after the onset of a patient's cerebral vascular accident. Instead, he left the treatment room for several minutes, failed to contact emergency medical care even though the patient was suffering a potentially life threatening condition. This falls below the minimal standards of acceptable chiropractic practice and is a violation of ORS 684.100(1)(A) and OAR 811-035-0015 and OAR 811-015-0010(1) and (2). Charts notes were found substandard in violation of 684.100(1)(A) and OAR 811-015-0005(1). Licensee did not obtain an adequate history of this patient prior to performing the cervical spine manipulative procedures. There is a description of a "wry neck" in the charts but there is no history of onset, location, duration, intensity, radiculopathy, exacerbation or timing included in the chart notes. This information would be the standard of care for a patient who hadn't presented in the past eleven months such as this patient. This is a violation of ORS 684.100(1)(A) and OAR 811-015-0005(1) and is unprofessional conduct in not keeping accurate records on all patients, including but not limited to legible notes, and updated treatment plans. (1/9/2007)

**Lance Hatch DC**, Revocation of license for participating in a trust scheme devised to conceal income from the IRS. Licensee conspired with others in the sale and promotion of the trust scheme including at least five other individuals. Licensee admitted that he caused a total tax loss to the United States of approximately \$1,055,000 which included a tax loss of \$248,000 as a result of his personal participation in the trust scheme On August 7, 2006, Licensee pled guilty and was sentenced to federal prison for 20 months and was assessed a \$10,000 fine. After release, he will be on supervision for 36 months. Violations of ORS 684.100 (1)(d), and OAR 811-035-0015. ORS 684.100(9) provides the Board with authority for revocation. (2/1/2007)

**Brandy Enright CCA applicant**, Denial of CCA license application for recent Theft II conviction and also has one DUI. Violations of OAR 811-010-0110(14)(b) and OAR 811-010-0110(14)(c). (2/2/2007)

**CCA Applicants Anita Crawford, Lorie Dawn Lacy, Debra Montour, Meghan Holton, Stephanie Condreay** agreed to Consent Orders to inform their current and prospective chiropractic employers of their misdemeanor convictions or other specified incidents.

### **Proposed Actions**

Case # 2006-1039, Proposed Letter of Reprimand and \$1,500 Civil Penalty. Licensee advertised but failed to provide to a patient a live demonstration of the DRX9000 spinal traction unit, advertised but did provide a written recommendation of an "action plan" following the examination; advertised but did not provide a surface EMG examination. Licensee also did not identify himself as a "chiropractor," or a "chiropractic physician," which is a violation of OAR 811-015-0045(2) and (3) and the Oregon Doctors' Title Act. The examination did not support a referral or clinical justification for a MRI on the patient in violation of OAR 811-015-0010(1) and an x-rays were taken but no x-ray report was submitted by Licensee who certified that the entire patient file was submitted. This is in violation of OAR 811-030-0030(k). Licensee has requested a contested case hearing. (9/25/2006)

Case # 2006-5013. Proposed DC license suspension and \$250 civil penalty for failure to respond to continuing education audit verification request. Violations of ORS 684.092 and OAR 811-015-0025 (11). (12/6/2006)

### **Dismissed Complaints**

During this reporting period (ending 12/31/2006) the OBCE made a determination of insufficient evidence (I.E.) on 10 cases; no statutory violation (N.S.V.) on 11 cases, and case closed on 16 cases.