

OBCE Public Protection Update

Final and Proposed actions since April 28, 2002

Final Actions

Frank Lockett, Certified Chiropractic Assistant, Condition on License. Under the provisions of ORS 684.100 (1)(d) and ORS 670.280, licensee must disclose felony conviction history (Intent to Distribute Cocaine) to any and all chiropractic employers. (10/16/2002)

Tom Burt, Final Order by Default for unlicensed practice. \$10,000 civil penalty, violations of ORS 684.015, 684.020 and OAR 811-035-0015(4) for practicing chiropractic without a valid chiropractic license. (10-2-2002) Burt is a former California DC who practiced chiropractic in LaPine Oregon in 1999 without a license. Mr. Burt has left the state and his whereabouts are unknown. (9/19/2002)

Billy Flowers DC, Stipulated Final Order, Letter of Concern regarding chart notes, billing, duration and frequency of care; violations of OAR 811-015-0005(1)(a) and (b) and OAR 811-015-0010(2) and (3) and OAR 811-035-0015 (2) and (5). (10-22-2002)

John Helton DC, Suspension Order. The Office of the Multnomah County District Attorney requested suspension for child support and arrears. Licensee had not entered into a written payment agreement with the enforcing agency; had not submitted a written request for an administrative review (Objections to License Suspension) to the enforcing agency; and proper notice and opportunity to contest the suspension were provided pursuant to ORS 25.750 through ORS 25.783. Under these conditions, a professional license is subject to suspension, ORS 25.750. The Suspension Order was issued on 10-16-2002, effective for October 22, 2002. Licensee came current with child support and arrears and the enforcing agency lifted the suspension request on October 21, 2002.

Thomas Finch DC, Stipulated Final Order, Licensee admits addiction to and solicitation of personal pain medication from his patients while offering them treatment at his clinic. 6-month suspension is stayed pending full compliance with treatment and reporting agreement. Licensee entered Hazelden Springbrook residential treatment facility for evaluation on July 28, 2002 as directed by a Competency Order issued by the OBCE. Licensee entered into the treatment phase voluntarily with his stay at Hazelden Springbrook concluding on October 9, 2002. Licensee is placed on probation and must participate in this continuing treatment and monitoring program or as modified by the OBCE for a minimum of five years. Thereafter the probation, treatment and monitoring may be concluded upon a demonstration to the OBCE that Licensee has successfully completed all treatment programs and has fully abided by the terms of this Stipulated Final Order. Licensee agrees to enter into a monitoring program with Joe Steiner MD and agrees to see Dr. Steiner on a monthly basis for four months, followed by quarterly meetings for the remainder of Licensee's monitoring contract. Licensee agrees to participate in weekly facilitated aftercare groups. Licensee agrees to fully participate in Twelve-Step recovery. Licensee agrees to undergo comprehensive urine drug a frequency of not less than 25 per year. Licensee agrees to make every possible attempt to arrange call sharing with other chiropractors, since for Licensee to be on call 24 hours a day, 7 days a week is not commensurate with good recovery. Licensee must demonstrate good ongoing recovery by having a home group, a sponsor, and actively working with other recovering alcoholics and addicts. Licensee must abstain from the use of all mood-altering chemicals, including alcohol and over-the-counter medicines, such as Benadryl or other over-the-counter sleep aids. His personal physician, with the direct knowledge and cooperation of Dr. Steiner and the OBCE must recommend any use of medications by Licensee. Licensee shall participate, cooperate and successfully complete all phases of all treatment plans recommended by the substance abuse dependency and addiction evaluator. The treatment cost will be the responsibility of Licensee. Licensee shall appear before the Board every 6 months. If Licensee violates any of the terms of this order, the Board may, after Notice and Hearing, enter further disciplinary orders.

Other Actions

Case # 2002-3013, Competency Examination ordered. (Not a disciplinary action.) Chiropractic physician with inactive license (changing to active) and out of practice of over seven years must take the NBCE Special Purposes Examination for Competency (SPEC) pursuant to the authority in ORS 684.100 (5) (6) and (7), and OAR 811-010-0089. (8-21-02) OBCE policy is that a doctor seeking active status must have been in practice during the last five years, or the SPEC examination will be required.

Jeffrey Bratten DC, Agreement of Voluntary Compliance (Not a disciplinary action.) concludes Case # 99-1006. Notice was issued alleging Licensee's practice showed a lack of clinical justification for treatments given in specific cases and excessive treatment. Licensee agrees that he will keep accurate charts on all patients and will document exam findings. Licensee agrees to improve his clinical practice to meet minimum standards for case histories, past histories, performing and recording examination procedures, formulating and recording treatment plans, rendering diagnoses consistent with the history/findings and creating legible, intelligible daily chart notes.

New Actions

Case # 2002-5008, Proposed suspension of license for neglect or refusal to pay personal income taxes for year 1998, suspension requested by the Oregon Department of Revenue pursuant to ORS 305.385.

Case # 2000-3007, Amended Proposed Order for denial of application for license to practice chiropractic for violations of ORS 684.100 (1)(d), ORS 684.040 (2)(a), OAR 811-010-0055 (3), and OAR 811-035-0015). Applicant has felony conviction for fraud in another state and had his license to practice chiropractic in California revoked. (11-25-2002)

Case 2002-3012, Proposed suspension of license for failure to release records for violations of OAR 811-035-0015 (19), OAR 811-035-0015 (20) and OAR 811-015-0006 (1) (records release), and ORS 684.100 (1)(t). (1-16-2002)

Case # 2002-5009, Proposed suspension of license for substance abuse, violations of ORS 684.100(1)(f) and OAR 811-035-0015(13), and violations of previously issued Consent Order. On November 15, 2002, Licensee plead guilty to Attempted Tampering with Drug Records after being cited for attempting to fill an altered and/or fraudulent prescription for Lortab in violation of ORS 167.212/161.405 M/A. Licensee was ordered to complete drug evaluation/treatment within 120 days and is currently in treatment. (12-30-2002)

John Platt DC, Proposed disciplinary action for sexual misconduct and boundary issues for violations of ORS 684.100 (1)(g)(A); and OAR 811-035-0015 and (1)(a)(b)(c); and failure to chart note a termination of the doctor-patient relationship, OAR 811-035-0015(1)(B)(d). (8-10-2002)

Trev Wheeler DC, Proposed disciplinary action (six-month suspension) for sexual misconduct and boundary issues for violations of ORS 684.100 (1)(g)(A); OAR 811-035-0015 (1)(a). 811-35-0005 (2) (informed consent), and 684.100 (1)(d) (conviction of a misdemeanor involving moral turpitude) and 684.100(1) (g)(A) (unprofessional conduct). (12-17-2002)

Nicholas Crane DC, Proposed disciplinary action (license suspension) for sexual misconduct and boundary issues for violations of ORS 684.100 (1)(g)(A); OAR 811-035-0015 (1)(a), and 811-35-0005 (2) (informed consent). (12-17-2002)

Dismissed Complaints

During this reporting period the OBCE made a determination of no statutory violation (N.S.V.) on thirteen cases, insufficient evidence (I.E.) on twenty-eight cases, case closed on three cases.

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In all orders, the Board proposes to recover costs associated with the disciplinary proceeding as allowed by ORS 684.100(9)(g). Names of doctors receiving proposed orders of discipline are not published until final action is taken with the exception of proposed orders involving sexual misconduct. This report covers the April 28, 2002 to December 31, 2002 period.