

**OBCE Public Protection Update**  
**Final and Proposed actions January 1, 2007 to November 15, 2007**

**Final Actions**

**Joseph Shields DC.** 90-day suspension and 12 additional CE 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)(g)(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)(g)(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)(g)(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. Final Order by Default. (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. 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. Final Order by Default. (2/1/2007)

**Brandy Enright, CCA applicant.** Denial of license for Theft 2 misdemeanor conviction and untruthful answers on application. Violation of OAR 811-010-0110(14)(c). Final Order by Default.(2/1/2007)

**Caleb J. Craig DC.** Civil penalty (\$250) for practicing chiropractic prior to having a valid license. Violations of ORS 684.100(1)(g); ORS 684.020(1) and OAR 811-035-0015(14). Stipulated Final Order. (2/13/2007)

**Thomas F. Miller DC.** Civil penalty (\$1,000) for failure to identify his profession as "chiropractor," "chiropractic physician," or "chiropractic" in connection with all advertising; not providing an advertised EMG demonstration and written report to the patient, and lack of clinical justification to support a referral for a MRI. Violations of the "Doctors' Title Act" ORS 676.110, OAR 811-015-0045(2) and (3); and OAR 811-015-0010(1) (clinical justification). Stipulated Final Order (2/26/2007)

**Theodore Forcum III DC.** Probation for two years and anger management counseling, for slapping an employee and unprofessional conduct towards two other employee/patients. Violations of ORS 684.100(1)(g)(A) and OAR 811-035-0015 (6). Stipulated Final Order. (3/8/2007)

**Ronald A. Clifton DC.** Letter of Reprimand and six hours of additional continuing education courses in record keeping and charting. Reports submitted for reimbursement misrepresented what actually occurred during the exams. Violations of ORS 684.100(1)(g)(a) and OAR 811-015-0005, and OAR 811-035-0015. Stipulated Final Order. (4/11/2007)

**Karen Kelsall DC.** Letter of Reprimand for failure to maintain complete and accurate patient records, engaging in misleading fee collection techniques with intent to collect payment for services previously denied by altering

the chart notes. Violations of ORS 684.100(1)(g)(A) and OAR 811-015-0005(1), and OAR 811-035-0015(7), (12) and (20). Stipulated Final Order. (4/16/2007)

**Cheri Barry CCA.** Revocation of CCA license for failure to report her felony conviction for aggravated theft on her license renewal form, unauthorized disclosure of patient health information, borrowing money from a patient, and engaging in a sexual relationship with a patient. Violations of ORS 684.100(1)(g)(A), (1)(d), OAR 811-035-0015(1)(b), (8), (11), 811-010-0110(1)(a) and (c). Final Order by Default. (5/23/2007)

**Scott Olson DC.** Civil Penalty (\$250) for violations of ORS 684.100(1)(j) and (k) and OAR 811-015-0045 (3) for misleading advertisement that claims superior results. Final Order by Default. (7/2/2007)

**Thomas Gilliland DC.** Letter of Reprimand, and 6 hour course on record keeping. Patient record keeping fell below the minimum standards in violation of ORS 684.100(1)(g)(A); OAR 811-015-0005(1), and (1)(a). The Board finds that if a new chiropractor were to assume care for this patient, the chiropractor wouldn't have the necessary information to assure appropriate care. Final Order by Default. (7/5/2007)

**Bryan Baisinger DC.** Letter of Reprimand for failing to adequately and fully receive informed consent from three patients for internal adjustments. Violations of ORS 684.100(1)(g)(A); and OAR 811-035-0005. In addition, Licensee failed to document the therapeutic services provided in the records and is in violation of OAR 811-015-0005. The patient has the right to informed consent regarding procedures, risk and alternatives and answers to questions with respect to treatment, in terms that they can be reasonably expected to understand. (8/6/2007)

**Kim MacQuarrie, CCA applicant.** Condition on license to inform current and prospective chiropractic employers of her disciplinary action as a Physical Therapy Assistant. Consent Agreement. (10/24/07)

**Thomas M. Shleifer, DC applicant.** Denial of license. Applicant's Nevada chiropractic license was revoked in 1997, following felony conviction which involved patient care and a ring of chiropractors involved in insurance company fraud where automobile accidents were staged to collect insurance payments. The Board finds that the acts and conduct of Applicant described above violates the standards as set forth in ORS 684.100(1)(d) as a conviction of a felony or misdemeanor involving moral turpitude. In addition, being revoked in another state is cause for denial pursuant to ORS 684.100(1)(s) and (u). Specifically, ORS 684.100(1)(g) and OAR 811-035-0015 (12) allows the Board to refuse to grant a license upon a finding of unprofessional conduct including but not limited to perpetrating fraud upon patients or third party payers, relating to the practice of chiropractic. Final Order by Default. (11/6/2007)

**CCA Applicants Jeanne Harrington, David Wichman, and Theresa Stein** agreed to Consent Orders to inform their current and prospective chiropractic employers of their misdemeanor convictions or other specified incidents.

#### **Other Board Actions**

**Philip Rodriguez** (DC-Texas, dba Oregon Injury Assistance Center). Cease & Desist letter in regards to a large banner advertisement (over another chiropractic clinic) is a violation because it "induced the belief" that Dr. Rodriguez is licensed and practicing in Oregon in violation of ORS 684.015(1)(c), and was misleading as per the Oregon Doctor's Title Act, ORS 676.100 and OBCE administrative rule 811-015-0045(1)(a). (3/19/2007)

**Michael Hane.** Cease and Desist letter to stop practicing chiropractic without a license using the "AtlasPROfilax" method of cervical (C-1) adjusting. (11/6/2007)

#### **Proposed Actions**

**Case 2007-2002.** Proposed Letter of Reprimand and \$2,500 Civil Penalty. During a telemarketing contact with a patient, Licensee failed to identify his profession and providing no further information was misleading to the

potential patient. In addition, the script referring to the auto accident caused the patient to believe that their insurance company had requested or required the visit. The deceptive and misleading aspects of the phone contact are in violation of OAR 811-015-0045(1), (2) and (3), and the information conveyed to the patient and references to AIM only, violates the Oregon Doctors' Title Act, ORS, 676.110, and OAR 811- 015-0045 (3). Submitting a 7 month pregnant women for X rays was not clinically or medically justified in violation of OAR 811-015- 010 and ORS 684.100(1)(g)(A) and (B). (7/26/ 2007)

**Case 2007-5013.** Proposed DC License Suspension for neglect or refusal to pay personal income taxes from years 1999 through 2006 in violation of ORS chapter 305.385(4)(c). This statute requires the OBCE suspend a license to practice chiropractic upon notice from the Oregon Department of Revenue. (7/20/2007)

**Case 2007-5014.** Proposed revocation of chiropractic license for federal court conviction for fraud. Violations and authority as per ORS 684.100(1)(d), OAR 811-035-0015, ORS 684.100(1)(s), and ORS 684.100(9). (10/5, 2007)

**Ranan Shahar. Case 2007-3001.** OBCE has filed for a permanent injunction to prevent Shahar from practicing chiropractic without a license using the "Atlas PROfilax" method of cervical (C-1) adjusting. (He practiced in spite of OBCE's Cease & Desist letter.) Shahar is a licensed acupuncturist from California who treated patients at the Body Mind Spirit Expo in Portland April 07.

### **Dismissed Complaints**

For this reporting period there were findings of 14 No Statutory Violation (N.S.V.), 15 Case Closed, 17 Insufficient Evidence (I.E.). 13 Letters of Concern were issued in conjunction with I.E., Case Closed or NSV findings. There were 4 Cease & Desist letters.