

OBCE Public Protection Update  
Final and Proposed actions October 1, 2005 to May 26, 2006

**Final Actions**

Lynn Hakala DC, Stipulated Final Order. Three-month suspension (5-1-2005 through August 1, 2005), five-year probation, mentoring plan, AA, UA's, and 12 hours CE in chart noting. Violations of: ORS 684.100(1)(g)(A) and OAR 811-015-0010 for lack of re-examinations where indicated, billing for a re-examination for which there is no documentation; ORS 684.100(1)(g)(A) and OAR 811-015-0005(1) for chart notes and treatment plans below minimum standard & chart notes that did not indicate the name or initials and signature of the treating physician nor the author of the notes; for two different versions of the same ancillary chart notes for the same dates of service; ORS 684.100(1)(n), and OAR 811-035-0015(10) for allowing employees to perform the physiotherapy and massage duties without being licensed as a chiropractic assistant or massage therapist; OAR 811-035-0015(7) billing for services provided by unlicensed personnel; and for collection of money in excess of amount of services rendered; OAR 811-015-0010(1) (clinical justification) for use of the evaluation and management code level 99204 not substantiated by the records reviewed resulting in upcoding; ; ORS 684.100(1)(g), OAR 811-015-0005(1) and OAR 811-035-0015(12) for altering chart notes; ORS 684.100(1)(g)(A) and OAR 811-035-0015(7) and (12) for charging excessive amounts for durable medical goods provided to patients. (1/31/2006)

William Thoens DC, Letter of Reprimand, 12 hours CE in record keeping, file review. Board action follows Peer Review Committee interview and report. Board order states “.Licensee continually exhibited a pattern of chart notes below minimal competency and lack of clinical justification in the notes, past history, and examinations not meeting minimal competency, unprofessional conduct as to billing procedures, continuing treatment beyond the recognized standards, and lack of x-ray evaluation and diagnostic assessment within the minimal standard of care.” Violations of ORS 684.100(1)(g)(A), OAR 811-010-0095(2)(b), 811-015-0000 (1), (2) and (4); 811-015-0005 (1) and (1)(a); 811-015-0010(2) and (3); 811-030-0020(2), 811-035-0015(2) and (5), and 811-035-0015(7). (4/3/2006)

Patrick Owen DC, Stipulated Final Order. Licensee agrees to make regular payments towards cost recovery owed in 1999 Final Order. (11/7/2005)

Jonathan Preiss DC, Final Order by Default, Letter of Reprimand and \$1,000 civil penalty. Violations of ORS 684.100(1)(g)(A) and OAR 811-015-0005(1), OAR 811-015-0010(1), OAR 811-035-0015 (7) and (12) and 811-030-0030 (2)(d) and 811-030-0020(1)(2)(6) for below standard chart notes and clinical justification and inadequate justification for taking certain x-ray views. (12/5/2005)

Mario Tomaino DC, Final Order by Default, Letter of Reprimand and \$1,000 civil penalty. Unprofessional conduct, Violations of ORS 684.100 (1)(g)(A) and OAR 811-035-0015(1)(a). (1/12/2006)

Sara Jane Charpentier, CCA Applicant, Final Order by Default, License Denied. Applicant made misrepresentations in responses to questions regarding criminal convictions in violation of OAR 811-010-0110(14)(b) and (c) . (2/22/2006)

Teresa Faber, CCA Applicant, Final Order by Default, License Denied. Violations of: OAR 811-010-0110(14)(b) for misrepresentations in responses to questions regarding criminal arrests and convictions. (9/30/2005)

George Edward Meredith, CCA Applicant, Final Order by Default, License Denied. Violations of: OAR 811-010-0110(14)(b) for misrepresentations in responses to questions regarding criminal arrests and convictions. (10/10/2005)

Melissa Sue Heskett, CCA Applicant, Final Order by Default, License Denied Violations of: OAR 811-010-0110(14)(b) for misrepresentations in responses to questions regarding criminal arrests and convictions. (12/8/2005)

Robert Sainz DC. Final Order by Default, \$1,000 civil penalty for unlicensed practice of chiropractic in Oregon. (Respondent currently licensed as a Washington State DC, on probation.) Violations of ORS 684.020 (1), OAR 811-010-0005(4) and 811-035-0015(14). (5/18/2006)

### **Proposed Actions**

Terry Womack DC, Proposed Revocation of License. Notice alleges sexual misconduct and boundary violations with eleven female patients. (Licensee has previous disciplinary order for similar violations.) Violations of ORS 684.100(1)(g)(A); and OAR 811-035-0015 and (1)(a) and (1)(c)(B). Notice originally issued 12/27/2005, 2nd amended Notice issued 4/17/2006. Contested case hearing scheduled.

Case # 2004-1036; 2004-3003. Proposed Revocation of License. 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). Contested case hearing has been requested. 1st Amended Notice issued 11/10/2005 adds second case with Peer Review findings of altered chart notes, and billings for services not provided. Violations of ORS 684.100(1)(g)(A) and OAR 811-035-0015(5) and (12), 811-035-0005(1). Contested case hearing scheduled.

Case # 2005-1045. Proposed \$1,000 civil penalty and Letter of Reprimand for chiropractic physician 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). (5/18/2006)

Adam Lopez DC, Proposed 30 day suspension, three years probation, \$5,000 civil penalty and ProBE ethic course for sexual misconduct and boundary violations. Violations of ORS 684.100(1)(g)(A); and OAR 811-035-0015(1)(b) through(e). (5/18/2006)

Case # 2006-5000. Proposed \$250 civil penalty for violations of ORS 676.100 and OAR 811-015-0045(3), Oregon Doctor's Title Act, for failing to identify chiropractor, chiropractic physician or chiropractic clinic on his advertising. (5/18/2006)

Case # 2005-3011. Proposed 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. (5/18/2006)

Case # 2006-5001. Proposed \$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). (5/18/2006)

### **Dismissed Complaints**

During this reporting period the OBCE made a determination of insufficient evidence (I.E.) on 6 cases; no statutory violation (N.S.V.) on 8 cases, and case closed on 23 cases.