

Oregon Board of Chiropractic Examiners
Public Protection Update
Current Proposed and Final Actions
Updated June 22, 2009

Below are the current proposed board disciplinary actions. These are public documents. Following those are the most current Final Actions. Previous Public Protection Reports may be found in our Public Protection section. All final public board orders (disciplinary or otherwise) may be found in our Licensee Lookup and accessed either by search for a specific chiropractic physician, or search by year. Orders for chiropractic assistants are found in the search by year only. Board actions that do not result in discipline or other board orders are not public documents (ORS 676.175).

Current Proposed Actions

Christian Schuster DC. Case 2006-1032 (and ten other complaints). Amended Proposed Order. The OBCE amended the Administrative Law Judge's Proposed Order with the following provisions: A three year suspension (90 day suspension to be served, 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 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 Amended Proposed order adopts the ALJ's findings for 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's made additional findings regarding the harm done to patients and others, and notes 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. (6/11/2009) ([link to order here](#))

Tuan Ahn Tran, proposed \$226,500 Civil Penalty for extensive unlicensed practice, and ownership of Chiropractic Clinics at two locations; forging another doctor's signature on chart notes, HCFA and insurance forms, making false referrals for x-rays; and not identifying one clinic as a chiropractic clinic. Violations of ORS 684.015 and OAR 811-010-0120, ORS 676.110 and OAR 811-015-0045, ORS 684.100 (1)(a) fraud or misrepresentation, (c) the impersonation of another practitioner of like or different name, and OAR 811-035-0015(12) perpetrating fraud upon patients or third party payors relating to the practice of chiropractic. Amended Proposed Order adds two additional complaint numbers (12/1/2008, 6/11/2009) ([link to order here](#))

Randall Fish DC. Proposed Conditions on License. On February 23, 2009, Licensee pled guilty to an assault charge and entered into diversion to include a 48 week Domestic Violence Deferred Sentence Program as well as an 8 week drug and alcohol assessment which included random UA's. The proposed 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 (5/21/2009) ([link to order here](#))

Andrew Cha DC. Proposed probation, Plan of Supervision, PIP treatment limitations, file reviews, 12 additional CE hours in record keeping and 4 in x-ray, and \$2,000 civil penalty. Alleged violations of:

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. Licensee was not found to be credible. He changed his testimony when contradictions were pointed out or he was unable to provide answers to specific things found.

14. 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. (5/21/2009) ([link to order here](#))

Recent Final Actions (orders can be viewed through OBCE's Licensee Lookup)

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

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)

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)

Thomas 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)

Jonathan Hansel DC ND. Temporary suspension of chiropractic license (Interim Stipulated Order) for habitual or excessive use of controlled substances, intoxicants or drugs in violation of ORS 684.100(1)(f) pending further investigation and evaluation. This follows similar action by the Naturopathic Board. (1/26/2009)

March 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. Alleged violations of ORS 684.100(1)(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)(A), (1)(n) and OAR 811-015-0015(10) for therapies performed by an unlicensed person.
(1/14/209)