10-10-81

VICTOR ATIYEH
GOVERNOR

Department of Human Resources
HEALTH DIVISION
1400 S.W. 5th AVENUE, PORTLAND, OREGON 97201 PHONE

MINUTES OF THE REGULAR MEETING
OF THE
OREGON STATE PHYSICAL THERAPIST LICENSING BOARD

The regular meeting of the Oregon State Physical Therapist Licensing Board was held August 20, 1981 in Portland, Oregon. Board members present were Mike Russell, Arlene Harris, Dale Bussell, Susan Voight, Dr. C. Kiest, Vinton Mougay, Nick Goyak and Diane Veigle. Incoming Board member Glen Cote attended a portion of the meeting.

The minutes of June 11, 1981 were approved with the following corrections: pg 1, pp2, Mr. Kelly Boe corrected to read Mr. Kelly McHugh. Page three (3), pp2, delete name Ms. Barb Pearson; Pg3, pp4, insert new paragraph--first item of new business - Letter from John Sanders, OPS, referred to Oregon Physical Therapy Association Peer Review Committee. Page 4, add the name of Nancy Waldport to those for licensure for endorsement. Add Kim Markson to applicants for licensure as PTA's by examination.

The minutes of the July 16, 1981 special Board meeting were approved with the correction on page 1, pp.4, line18, which should have read consultation purposes in lieu of legal purposes. Under Old Business, item number one was Mr. Leonard Pearlman's report regarding the status of Behrooz Zolfaghari. * Mr. Zolfaghari was sent a certified letter to his local address and to an additional address in San Francisco, California, regarding the hearing date. (Mailing date was 7/31/81) These letters were returned as undeliverable. An attempt was made to serve notice of the hearing scheduled for August 14, 1981. Mr. Zolfaghari has moved and left no forwarding address. Mr. Zolfaghari was not in attendance. Mr. Pearlman's report was taped and is on file. The grounds for revocation of licensure are located in Oregon Law 688:140 #3, 4,5 and #8, and in the Rules and Regulations page 7, section 10:050 -- #c, #d,#e,#h. Following the report a motion was made and seconded (Mr. Bussell, Ms. Voight) to suspend his license and to disallow any further attempts at licensing in the State of Oregon, this motion passed unanimously. This motion is in accordance with ORS 183:430, which provides for suspension of a license and permanent refusal to renew continued licensure in the State of Oregon. *

Item number 2 under Old Business was the topic of the Office in transition: A report was given on the state office building assignment space on the basis of inadequacy and increased costs to the board. (Moving costs, change of address, stationary, telephone etc.) These costs are unnecessary if the board remains at the present location. There is space

BEFORE THE PHYSICAL THERAPIST LICENSING BOARD

OF THE STATE OF OREGON

In the Matter of the Physical Therapist License of Behroz Zolfaghari.	))))))	AMENDED NOTICE OF PROPOSED REVOCATION; REFUSAL OF RENEWAL OF PHYSICAL THERAPIST LICENSE

TO: Behroz Zolfaghari

The physical therapist's license of Behroz Zolfaghari is proposed to be revoked and refused to be renewed on one or more of the following grounds relating to the respondent's conduct:

1. Being convicted of violating a state law relating to controlled substances.

2. Being convicted of a crime, involving moral turpitude.

3. Having treated, or undertaken to treat ailments of persons otherwise than by physical therapy.

4. Being guilty of unprofessional conduct, more particularly, "moral turpitude" in having held himself out to the professional licensing division of the State of Washington as having an M.D. degree and experience in practice as a physician, all of which was untrue.

This revocation and refusal of renewal arises under the provisions of ORS 688.140(3), (4), (5) and (8), and OAR 848-10-050.

In the consideration of the disposition of this matter, the Board will take official notice of that stipulation and order entered into by the Board and the respondent on August 24, 1976.

A hearing will be held on the subject of this revo-

cation and refusal of renewal at 10 a.m. on AUGUST 20th, 1981 in the Conference Room of the Physical Therapist Licensing Board, 555 Benjamin Franklin Plaza, One S. W. Columbia Street, Portland, Oregon. You may be represented by counsel at the hearing.

Dated this 29th day of January, 1981.

SIGNATURE ON FILE

NICK I. GOYAK
Executive Secretary

VICTOR ATIYEH
GOVERNOR

Department of Human Resources
HEALTH DIVISION
Physical Therapist Licensing Board
555 Benjamin Franklin Plaza, One S.W. Columbia, Portland, OR 97258 PHONE 227-1687

BEFORE THE PHYSICAL THERAPIST LICENSING BOARD

of the

STATE OF OREGON

In the matter of the Physical Therapist License of BEHROZ ZOLFAGHARI	)))	NOTICE OF PROPOSED REVOCATION AND REFUSAL OF RENEWAL OF PHYSICAL THERAPIST'S LICENSE

TO: BEHROZ ZOLFAGHARI

The Physical Therapist's license of Behroz Zolfaghari is proposed to be revoked and refused to be renewed for the reasons that in the judgment of the Physical Therapist Licensing Board Mr. Zolfaghari has been guilty of:

1. Being convicted of violating any federal narcotic law or state law relating to controlled substances.

2. Being convicted of any crime including violations of city ordinances involving moral turpitude.

3. Having treated or undertaken to treat ailments of persons otherwise than by physical therapy.

This revocation and refusal of renewal arises under the provisions of ORS 688.140 (3), (5), and (8).

A hearing will be held on the subject of this revocation and refusal of renewal at 9:30 am, December 11, 1980, in the Conference Room of the Physical Therapist Licensing Board, 555 Benjamin Franklin Plaza, One S.W. Columbia, Portland, Oregon. You may be represented by counsel at the hearing.

DATED: December 5, 1980

SIGNATURE ON FILE

Nick I. Goyak
Executive Secretary

AN EQUAL OPPORTUNITY EMPLOYER

BEFORE THE PHYSICAL THERAPIST LICENSING BOARD

OF THE STATE OF OREGON

In the Matter of the Physical Therapist License of BEHROZ ZOLFAGHARI	)))	STIPULATION AND ORDER

The licensee's motion to continue was considered by the Board on April 8, 1976, and it was stipulated and agreed between the Board and the licensee as follows:

1. Licensee admits the matters alleged in paragraphs 1, 2 and 3 of the Board's "Notice of Proposed Revocation" dated March 9, 1976, with the exception that in paragraph 2 of said Notice the licensee states that he did not specify a time period but admits the remainder.

2. Licensee will not engage in any such conduct in the future and will fully comply with all the statutes and rules and regulations of the Board.

3. An order may be entered herein continuing any final order in this proposed revocation proceeding conditioned on licensee's compliance as represented above.

NOW THEREFORE the Board does hereby enter the following:

FINDINGS OF FACT

Based upon admissions stipulated and admitted to by Behroz Zolfaghari, the Physical Therapist Licensing Board of the State of Oregon finds that the said Behroz Zolfaghari:

1. Has engaged in unethical and unprofessional conduct by attempting to solicit patients by false and misleading advertising.

2. Has been guilty of gross negligence in his practice as a physical therapist in that on or about November 10, 1975

Mr. Zolfaghari ised a Mrs. G[redacted] to ve her child, L[redacted] C[redacted], "stay off her feet" based on a false and unauthorized diagnosis that said child had a "dislocated hip."

3. On or about November 10, 1975, undertook to act as a physical therapist independent of the diagnosis or prescription or referral of a person licensed by the Board of Medical Examiners for the State of Oregon by prescribing improper treatment to L[redacted] C[redacted].

CONCLUSIONS OF LAW

That the acts admitted and stipulated to by the said Behroz Zolfaghari are contrary to ORS 688.140(4), (6) and (9).

THEREFORE, IT IS NOW ORDERED BY THE PHYSICAL THERAPIST LICENSING BOARD that the final disposition of this matter be continued for a period of two (2) years provided, however, that if during the two year period the licensee is found to have not complied with the statutes or rules and regulations of the Board, the Board after notice to the licensee and opportunity to be heard, will rovoke said license on the basis of the facts found herein.

Dated this 24th day of August, 1976.

SIGNATURE ON FILE

SIGNATURE ON FILE

SIGNATURE ON FILE

BRUCE BLACK
Attorney for Licensee

Zolfaghari's file

PHYSICAL THERAPIST LICENSING BOARD

HEALTH DIVISION

DEPARTMENT OF HUMAN RESOURCES

555 BENJAMIN FRANKLIN PLAZA • ONE S.W. COLUMBIA • PORTLAND, ORE. 97201

ROBERT W. STRAUB
GOVERNOR

CLEIGHTON PENWELL
Director

DEPARTMENT OF
HUMAN RESOURCES

• • •

BOB OLIVER
Administrator
Health Division

DIVISIONS
Health
Children's Services
Corrections
Employment
Mental Health
Special Programs
Vocational Rehabilitation
Welfare

NICK I. GOYAK
ecutive Secretary

BEFORE THE PHYSICAL THERAPIST LICENSING BOARD

of the

STATE OF OREGON

In the matter of the Physical Therapist's License of BEHROZ ZOLFAGHARI	)))	NOTICE OF PROPOSED REVOCATION OF PHYSICAL THERAPIST'S LICENSE

TO: BEHROZ ZOLFAGHARI

The Physical Therapist's license of Behroz Zolfaghari is proposed to be revoked effective March 31, 1976 for the reasons that in the judgment of the Physical Therapist Licensing Board Mr. Zolfaghari has been guilty of the following:

1. Engaging in unethical and unprofessional conduct by attempting to solicit patients by false and misleading advertising. (A photo copy of which is attached hereto as Exhibit "A".)

2. Of gross negligence in his practice as a Physical Therapist in that on or about November 10, 1975 Mr. Zolfaghari advised a Mrs. C[redacted] to have her child, L[redacted] C[redacted] "stay off her feet for two years" based on a false and unauthorized diagnosis that said child had a "dislocated hip."

3. On or about November 10, 1975 has undertaken to act as a Physical Therapist independent of the diagnosis or prescription or referral of a person licensed by the Board of Medical Examiners for the State of Oregon by prescribing improper treatment to L[redacted] C[redacted].

Telephone: Area Code 503 227-1687
Mailing Address: 555 Benjamin Franklin Plaza, Portland, Oregon 97201

This revocation arises under the provisions of ORS 688.140(4), (6) and (9).

You are entitled to a hearing before the Physical Therapist Licensing Board as provided by the Administrative Procedure Act (Chapter 183, Oregon Revised Statutes). You may be represented by counsel at the hearing. If you desire a hearing, you must notify the Physical Therapist Licensing Board in writing that you wish a hearing within 20 days of the date of the mailing of this notice to you. Upon receipt of your notification, the Physical Therapist Licensing Board will notify you of the time and place of the hearing.

DATED: March 9, 1976.

SIGNATURE ON FILE

Nick I. Goyak
Executive Secretary

No. 717394

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO
Behroz Zolfaghari

STREET AND NO.
1525 Monmouth

P.O., STATE AND ZIP CODE
Independence, Oregon 97351

POSTMARK OR DATE

OPTIONAL SERVICES FOR ADDITIONAL FEES

RETURN RECEIPT SERVICES
1. Shows to whom and date delivered ..... 15¢
With delivery to addressee only ..... 65¢
2. Shows to whom, date and where delivered .. 35¢
With delivery to addressee only ..... 85¢

DELIVER TO ADDRESSEE ONLY ..... 50¢

SPECIAL DELIVERY (extra fee required) .....

PS Form 3800 Apr. 1971 NO INSURANCE COVERAGE PROVIDED— NOT FOR INTERNATIONAL MAIL (See other side)

☆ GPO : 1974 O - 551-454

No. 717395

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO
Behroz Zolfaghari, P.T. Department

STREET AND NO.
Fairview Hosp. & Training Cntr.

P.O., STATE AND ZIP CODE
2250 Strong Rd., SE, Salem, OR 97302

POSTMARK OR DATE

OPTIONAL SERVICES FOR ADDITIONAL FEES

RETURN RECEIPT SERVICES
1. Shows to whom and date delivered ..... 15¢
With delivery to addressee only ..... 65¢
2. Shows to whom, date and where delivered .. 35¢
With delivery to addressee only ..... 85¢

DELIVER TO ADDRESSEE ONLY ..... 50¢

SPECIAL DELIVERY (extra fee required) .....

PS Form 3800 Apr. 1971 NO INSURANCE COVERAGE PROVIDED— NOT FOR INTERNATIONAL MAIL (See other side)

☆ GPO : 1974 O - 551-454