

1 BEFORE THE PHYSICAL THERAPIST LICENSING BOARD
2 OF THE STATE OF OREGON

3 In the Matter of the Physical)
4 Therapist License of)
5 CHAUNCEY ETHELBERT FARRELL, PT,)
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9)
10 Licensee.)

FINAL ORDER

7 1. By notice of proposed action dated September 24, 1993,
8 the Physical Therapist Licensing Board ("Board") commenced this
9 proceeding to impose a civil penalty, issue a letter of reprimand
10 and impose probation upon its licensee, Chauncy Ethelbert
11 Farrell, ("Licensee"), for certain violations alleged therein.

12 2. The notice was served by mailing, by certified mail, on
13 September 24, 1993, to Licensee at his office address on file
14 with the Board.

15 3. The notice was received by Licensee on September 27,
16 1993.

17 4. In the notice, the Board informed Licensee that he must
18 file with the Board within 21 days of mailing a written request
19 for hearing and answer, otherwise he would waive his right to
20 hearing and be presumed to have admitted all the Board's
21 allegations of fact.

22 5. Licensee failed to file any request for hearing or any
23 answer to the notice. Licensee thereby waived his right to
24 hearing and admitted the Board's allegations of fact.

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1 NOW THEREFORE, THE BOARD FINDS:

2 6. From on or about November 23, 1992, through January 14,
3 1993, Licensee treated Ms. X.

4 7. On or about January 22, 1993, Ms. X filed a written
5 complaint with the Board regarding certain of the treatments
6 Licensee performed on Ms. X.

7 8. On June 2, 1993, during the course of the investigation
8 of the complaint of Ms. X, the Board, through its investigator
9 Jim Wiseman, personally requested Licensee to provide the Board
10 with copies of Licensee's original contemporaneous written
11 records of all of his treatments of Ms. X (hereinafter referred
12 to as "Original Treatment Records"). Licensee failed or refused
13 to provide the Board copies of his Original Treatment Records at
14 that time.

15 9. On June 5, 1993, Licensee prepared a handwritten
16 document which purported to be a chronological record of each
17 session of treatment by Licensee of Ms. X. Licensee based the
18 document upon his Original Treatment Records of each of his
19 sessions of treatment of Ms. X, but he embellished the subsequent
20 document with information not contained in his original records.
21 After preparing the subsequent document (hereinafter referred to
22 as "Substituted Treatment Records"), Licensee destroyed the
23 Original Treatment Records. Licensee prepared the Substituted
24 Treatment Records using two different pens in an attempt to
25 deceive the Board into believing that the document constituted
26 the Original Treatment Records. By letter (erroneously dated May

1 5, 1993, actually June 5, 1993) Licensee sent to the Board a copy
2 of his Substituted Treatment Records in response to Board
3 investigator Wiseman's request for a copy of the Original
4 Treatment Records.

5 10. The Board, through its Executive Officer, Georgia
6 Spence, requested Licensee to personally bring the originals of
7 the Original Treatment Records to an informal conference of the
8 Board in Portland, Oregon, on July 20, 1993. Licensee submitted
9 the original Substituted Treatment Records to the Board at the
10 informal conference and expressly represented to the Board that
11 they were the original records of his treatments of Ms. X, which
12 he prepared on the day of or the day following each of his
13 treatments of Ms. X.

14 11. Licensee intentionally made material misrepresentations
15 to the Board in violation of OAR 848-10-050(2)(f) and failed to
16 cooperate with the Board in violation of OAR 848-10-050(2)(j)
17 when, in response to the Board's requests for Licensee's records
18 of treatment, Licensee failed to submit and destroyed his
19 Original Treatment Records and, in lieu thereof, submitted his
20 Substituted Treatment Records and expressly represented to the
21 Board that they were his Original Treatment Records, as described
22 above. Physical therapists must be honest. Truth-speaking is
23 requisite in the profession. See In re Parker, 314 Or 143, 154-
24 155 (1992).

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1 NOW THEREFORE, PURSUANT TO ORS 688.140(1)(c), (d), (e), AND
2 (f), AND BASED UPON THE ABOVE PRIMA FACIE CASE ON THE RECORD, THE
3 BOARD ORDERS THAT:

4 A. The Board hereby imposes a \$1,000 civil penalty
5 upon Licensee which Licensee shall pay to the
6 Board;

7 B. The Board hereby issues Licensee a letter of
8 reprimand; and

9 C. The Board hereby orders Licensee to attend and
10 successfully complete, within six months of the
11 date of this final order, a professional course of
12 instruction, approved in advance by the Board,
13 regarding the practical and ethical aspects of
14 keeping written records of treatment of patients,
15 provided, however, that if Licensee should fail to
16 submit to the Board satisfactory proof of
17 compliance with this order within six months of
18 the date of this final order, then Licensee's
19 license, including renewal thereof, shall be
20 suspended until he submits such proof.

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NOTICE

Licensee has the right to judicial review of this final order. Judicial review may be obtained by filing a petition for review within 60 days from service of this order.

DATED this 29th day of October, 1993.

**OREGON PHYSICAL THERAPIST
LICENSING BOARD**

SIGNATURE ON FILE

B:

Georgia Spence
Executive Officer
pursuant to delegation
from the Board on

October 29, 1993
(date)

RLH:lyr/RLH0115.PLE