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|  <p>Oregon Board of Chiropractic Examiners</p> | <p>Effective Date: March 15, 2018</p> <p>Date approved/ratified: October 4, 2018</p> |
| <p>Civil Penalty Citation Policy and Procedures</p> | |

POLICY

OAR 811-035-0036 allows for the issuance of a Notice of Civil Penalty Citation for violations of the Oregon Administrative Rules that the Board deems minor in degree. The Board delegates its authority to issue said Notices to the Board’s Executive Director and staff. Minor violations include, but are not limited to:

- a. Failing to maintain current email, business, and mailing addresses with the Board;
- b. Failing to pay any fines or fees owed to the Board;
- c. Failing to comply with continuing education requirements;
- d. Failing to attend the Introduction to the Board meeting when required by the Board;
- e. Failing to notify the Board within 10 days when licensee or certificate holder is convicted of a misdemeanor or felony, or is arrested for a felony crime;
- f. Failing to release patient records upon written request within 30 days;
- g. Failing to provide notice when leaving, selling, or retiring from the chiropractic office where the chiropractic physician has provided chiropractic services no later than 30 days prior to the last date the chiropractic physician saw patients.

Instances in which the Board issues a Notice and Final Order that assesses a penalty under this rule are not considered part of a licensee’s disciplinary history and therefore will not be considered in the event a licensee commits a violation that is the type generally considered part of a licensee’s disciplinary history. Violations listed above are considered non-disciplinary by the Board and will not be reported to the National Practitioners Data Bank (NPDB) or the Healthcare Integrity and Protection Data Bank (HIPDB).

The Board may include a violation listed above in a licensee’s disciplinary history if the licensee does not correct the violation, the licensee engages in repeat violations of the cited statute or rule, or the Board identifies the violation in conjunction with the investigation of other violations that are generally considered part of a licensee’s disciplinary history.

PROCEDURES

1. Issuance of Notice of Civil Penalty Citation.

The OBCE's Executive Director and staff will issue a Notice of Civil Penalty Citation that includes response time and hearing rights as violations become known. Payment of citations is required within 30 days of Notice issuance. The licensee may request a hearing or default on the citation per the procedure found in the Administrative Procedures Act.

2. Publication of Citations.

Citations, and the payment thereof, will not be posted or made public in any way unless said citation is determined to be part of a larger case and multiple violations of law or rule.

COST

Cost per violation shall not exceed \$500. The cost schedule is as follows:

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| \$50.00 | a. Failing to maintain current email, business, and mailing addresses with the Board. |
| \$50.00 per month of non-payment not to exceed \$500.00 total | b. Failing to pay any fines or fees owed to the Board. |
| DC: \$250 + \$50 per credit not completed or proof provided. CA: \$12.50 per credit not completed, \$75 max. | c. Failing to comply with continuing education requirements. <i>See OBCE Continuing Education Audit Policy and Procedures</i> |
| \$250.00 | d. Failing to attend the Introduction to the Board meeting when required by the Board. |
| \$125.00 per week not to exceed \$500.00 total | e. Failing to notify the Board within 10 days when licensee is convicted of a misdemeanor or felony, or who is arrested for a felony crime. |
| \$250.00 | f. Failing to release patient records upon written request within 30 days. |
| \$500.00 | g. Failing to provide notice when leaving, selling, or retiring from the chiropractic office where the chiropractic physician has provided chiropractic services no later than 30 days prior to the last date the chiropractic physician saw patients. |