

## Oregon Board of Chiropractic Examiners

### Should I file a complaint? If so, what's next?

If you have knowledge of a potential or actual violation of Oregon law, administrative rule, or doctor-patient relationship by a Doctor of Chiropractic or a Certified Chiropractic Assistant, you should contact the Oregon Board of Chiropractic Examiners (OBCE) to file a complaint. You are also welcome to call, if you have any questions. To a large degree the OBCE's ability to "protect the public health and safety" is dependent upon the willingness of people to contact this agency.

The OBCE is a stand-alone state agency responsible to the Governor, Legislature, and the public, including chiropractic patients. The seven member board consists of five chiropractic physicians and two public members. The OBCE is assisted in the complaint review process by two full time investigators and a Peer Review Committee.

It is the agency's goal to make a report to the Board within 120 days of receiving a complaint, however, some complaints may take longer.

Oregon law requires the OBCE to keep all of the information gathered during the investigation and the report's contents confidential. This means that while your complaint is under investigation, the investigator will not provide information regarding the course of the investigation except where necessary to complete a thorough investigation. You can assist the investigator in making a timely report by making yourself available to answer questions, and by providing requested information promptly.

Upon receiving the doctor's response and the investigative report, the OBCE must determine whether a violation of law or administrative rule has occurred, and/or whether a doctor's performance falls below minimum standards of practice. If further in-depth review is needed, particularly in those cases requiring chiropractic expertise, the Board may refer the case to its seven member Peer Review Committee. This committee of chiropractor physicians may interview the doctor, complainants and other parties to the complaint. Then the committee makes a report to the Board.

If the OBCE finds a violation it must determine whether a disciplinary or rehabilitative (or both) approach is appropriate. Previous disciplinary and complaint history is reviewed along with the severity and frequency of the current violations.

Proposed sanctions may include a letter of reprimand, civil penalty, probation (with conditions), suspension, cost recovery, voluntary surrender, and license revocation. A rehabilitative approach may include continuing education or a structured mentoring program. In some cases, the OBCE may send a "letter of concern" without determining a violation. Complaints which are inconclusive or where no violation is found are closed out with a finding of "insufficient evidence" (I.E.) or "no statutory violation."

The Board's actions in regard to a complaint (including the existence of the complaint) become a public record only when a majority of the Board votes to issue a notice of disciplinary sanction, a final order resulting from a notice of disciplinary action, a consent order, or a stipulated agreement that involves the licensee's conduct. These documents will all contain a factual

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summary of the basis for the Board's disposition of the matter. Names of affected individuals, other than the licensee, continue to be confidential.

In those cases where continued practice by a licensee is determined to be a threat to the public health and safety, the OBCE may issue an emergency suspension.

Once the OBCE has issued a notice of disciplinary action, due process rights for the affected licensee include a right to hearing before an impartial administrative law judge (ALJ). After the hearing the ALJ will issue a proposed order of findings of fact to be considered for final action by the OBCE. Any final order may be appealed to the Oregon Court of Appeals.

While citizens, patients, or payers should feel an obligation to report questionable activities, care or behavior by a licensee, chiropractic physicians and certified chiropractic assistants have a legal duty to report. Oregon law (ORS 684.200) states licensees "shall report to the Board any suspected violation."

For more information, please contact the OBCE office.

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