

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of

THOMAS M. FINCH, D.C.,
License No.: 1781

)
) Case # 2001-1031
) 2001-1032, 2001-1004

) Stipulated Final Order
)

The Oregon Board of Chiropractic Examiners (hereafter "Board") is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Thomas M. Finch, D.C. (hereafter "Licensee"), is currently licensed by the Board to practice as a chiropractic physician in Oregon and is subject to the jurisdiction of the OBCE. The Board has determined as follows:

1.

From October to December 2001, Licensee engaged in activity that involved requesting patients provide him with their prescription medications. Licensee would request that his patient provide him with the medication at the time of the office visit. Patients complained that Licensee stated "do you have extra vicodin you can spare" during an office visit.

In the complaints from patients it was also alleged that Licensee was offering to pay for the medications the patient would provide to him.

2.

Between October and December 2001, Licensee engaged in the use of controlled substances that Licensee solicited from patients on the clinic premises. This impacted Licensee's ability to safely conduct his chiropractic practice and compromised the health and safety of his patients,

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Findings of Fact

3.

Licensee admits that he solicited personal pain medication from his patients while offering them treatment at his clinic.

Conclusions of Law

4.

The above described conduct of Licensee violates ORS 684.100(1)(f) and (g)(A) and, OAR 811-035-0015(9) and (13).

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5.

Therefore, pursuant to ORS 183.415(5) and ORS 684.100(9)(e) the OBCE orders:

1. The parties have agreed to enter this stipulated final order. As part of this Order, Licensee agrees to provide authorization for medical and treatment records to the Board and will execute the attached Consent for Release of Confidential Information. Licensee agrees that he is aware of his right to a hearing with his attorney present to contest the charges and hereby waives that right and agrees to entry of this order. The parties wish to settle and resolve the above matter without further proceedings.
2. Licensee's license to practice chiropractic is suspended for 6 months from the date this order is signed. The suspension is stayed as long as the other requirements of this stipulated order are followed.
3. Licensee entered Hazelden Springbrook on July 28, 2002 and received an evaluation and began treatment. Licensee agrees to complete his treatment plan for his addictions as recommended by Hazelden Springbrook.
4. Provided Licensee abides fully by the terms of this order, he may return to the active practice of chiropractic.

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5. Licensee is placed on probation and must participate in this continuing treatment and monitoring program or as modified by the OBCE for a minimum of five years. Thereafter the probation, treatment and monitoring may be concluded upon a demonstration to the OBCE that Licensee has successfully completed all treatment programs and has fully abided by the terms of this Stipulated Final Order.
6. Licensee agrees to enter into a monitoring program with Joe Steiner MD (503-244-4500). Licensee agrees to see Dr. Steiner on a monthly basis for four months, followed by quarterly meetings for the remainder of Licensee's monitoring contract. Licensee agrees that Dr. Steiner will send reports to the OBCE as to the observed status of Licensee's ongoing recovery.
7. Licensee agrees to participate in weekly facilitated aftercare groups provided by John Gieber (360-666-4942) until the OBCE determines otherwise, after consultations.
8. Licensee agrees to fully participate in Twelve Step recovery which means 90 meetings in the first 90 days after leaving the Hazelden Springbrook treatment center. This is to be followed by frequent meeting attendance on the order of 3 to 5 meetings a week, until the OBCE determines otherwise, after consultations.
9. Licensee agrees to undergo urine drug screens with a comprehensive panel of drugs specifically tested for health professionals at a frequency of not less than 25 per year, as collected by Recovery Support Services (Rick Weidlich, 503-892-9717). Licensee agrees that a medical review officer, arranged through Mr. Weidlich, will interpret the results of these drug screens.
10. Licensee agrees to allow the OBCE to designate a member of his office staff as "office monitor." The monitor must be willing to call the board to report if Licensee's behavior begins to change or deteriorate. Licensee agrees to sign an agreement with this monitor to hold that person harmless for any negative consequences whatsoever for making this report. Licensee understands the monitor may report to the OBCE without his knowledge.

11. Licensee agrees to make every possible attempt to arrange call sharing with other chiropractors, since for Licensee to be on call 24 hours a day, 7 days a week is not commensurate with good recovery.
12. Licensee must demonstrate good ongoing recovery by having a home group, a sponsor, and actively working with other recovering alcoholics and addicts.
13. Licensee must abstain from the use of all mood-altering chemicals, including alcohol and over-the-counter medicines, such as Benadryl or other over-the-counter sleep aids.
14. Any use of medications by Licensee must be recommended by his personal physician, with the direct knowledge and cooperation of Dr. Steiner and the OBCE.
15. Licensee shall participate, cooperate and successfully complete all phases of all treatment plans recommended by the substance abuse dependency and addiction evaluator. The treatment cost will be the responsibility of Licensee.
16. Licensee shall instruct all of the professionals participating in his treatment plan to promptly respond to the Board of Chiropractic Examiners inquiry concerning Licensee's compliance with the treatment plan and to immediately report to the Board any positive test results or any serious failure to fully participate by Licensee. Licensee shall instruct the foregoing professionals to make quarterly reports to the Board of Chiropractic Examiners of Licensee's progress and compliance with the treatment plan.
17. Licensee waives all privilege with respect to any physical, psychiatric or psychological evaluation or treatment in favor of the Board for purposes of determine compliance with this Order, or the need to, or the appropriateness of, modifying this Order, and will execute any waiver or release the board requests.
18. Licensee shall appear before the Board every 6 months.
19. Licensee shall not apply for release from probation any earlier than five years from the effective date of this order.

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20. If Licensee violates any of the terms of this order, the Board may, after Notice and Hearing, enter further disciplinary orders.

21. This order is effective on the date signed by the Board.

IT IS SO ORDERED this ^{9th} day of October, 2002.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signatures on file
at the OBCE office.

By:

Dave Mc League, Ex. Dir. 



Original signatures on file at
the OBCE office.

By:

 Thomas M. Finch DC

Date: 10/9/02