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**BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON**

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In the Matter of)	
)	FINAL ORDER BY DEFAULT
Jack Fischer, D.C.)	
)	
)	
Licensee # 3009)	Case # 2007-3010

14 The Board of Chiropractic Examiners (Board) is the state agency responsible for
15 licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Jack
16 Fischer, D.C. (Licensee), is licensed by the Board to practice as a chiropractic physician in the
17 State of Oregon.

18 Findings of Fact

19 1.

20 In November 2007, a Complaint was received by the Board alleging that a patient was
21 unable to get her medical records by authorization, written request and subpoena. In December
22 2007, the Board notified Licensee of the complaint by sending a letter to the clinic address on
23 file. That letter was returned undeliverable. Attempts to contact the office by the on file phone
24 number were also unsuccessful as the phone number was disconnected. The Board got in touch
25 with Licensee at his home address on December 21, 2007 and re-mailed a copy of the complaint
26 information and letter requesting him to respond to the complaint. It was explained to Licensee
27 in that phone contact how important it was to timely respond to the Board's investigation
28 requests. Licensee had made no changes with the Board as to his address of record.
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30 On January 16, 2008, the Board contacted Licensee as he had not responded within the
31 time required. Several messages were left at his phone number and his wife's office to contact
32 the Board in regards to this complaint. Licensee has failed to respond to the Board's request for
33 investigative information as to this complaint. As of December 31, 2007, Licensee's chiropractic
34 license has lapsed and expired.
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36 2.

37 During investigation of the complaint, the Board was provided information from the
38 patient's attorney that they had attempted on numerous occasions by phone and written letter to
39 receive the records and a valid subpoena issued October 1, 2007, went unanswered by Licensee.
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3.

On March 24, 2008, the Proposed Notice of Discipline was mailed to Licensee address of record and also last known business address by regular mail. Licensee failed to request a hearing within the 30 day time period. In the Proposed Notice of Discipline, it provided notice if a request for hearing was not made a default order would be issued.

Conclusions of Law

4.

The Board finds that Licensee's continual pattern of failure to provide records to a patient and failure to cooperate with the Board investigation into this matter is a violation of ORS 684.100 (1)(g); OAR 811-035-0015(19) and (20) and 811-015-0006(1). Licensee's failure to provide the Board with a current address is in violation of ORS 684.100(1)(h).

Order

5.

The Board hereby suspends the license of Licensee indefinitely. (The Board notes his license as of this date is expired but retains continuing jurisdiction.) The Board finds that due to the Licensee's continual pattern of failure to provide records that this sanction is warranted.

IT IS HEREBY ORDERED that Licensee's license is indefinitely suspended until further order of the Board. This suspension is effective on the date of this signed order.

DATED this 29th day of April, 2008.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signatures on file
at the OBCE office.

Dave McTeague, Executive Director

A party is entitled to judicial review of the Final Order. Judicial review is by the Oregon Court of Appeals pursuant to the provisions of ORS 183.482. Judicial review may be obtained by filing a petition for review with the Office of State Court Administrator, Supreme Court Building, Salem, Oregon 97310. ORS 183.482 requires that an appeal is requested by filing a petition in the Court of Appeals within 60 days following the date the order upon which the petition is based is served.

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3 State of Oregon) Case # 2007-3010
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5 County of Marion) Jack Fischer D.C.
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8 I, Dave McTeague, being first duly sworn, state that I am the Executive Director of the
9 Oregon Board of Chiropractic Examiners, and as such, am authorized to verify pleadings in this
10 case: and that the foregoing Final Order by Default is true to the best of my knowledge as I verily
11 believe.

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13 Original signatures on file
14 at the OBCE office.
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Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

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21 SUBSCRIBED AND SWORN to before me

22 this 29th day of April, 2008

23
24 Original signature on file
25 at the OBCE office.
26

NOTARY PUBLIC FOR OREGON

My Commission Expires: 10/7/11

