

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
Randall Fish, D.C.)	FINAL ORDER BY DEFAULT
License No; 3520)	
)	
Licensee.)	Case # 2009-5003
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The Oregon Board of Chiropractic Examiners (hereafter "Board" or "OBCE") is the state agency responsible for licensing, regulating and disciplining chiropractic physicians and certified chiropractic assistants in the State of Oregon. Randall Fish D.C. (hereafter "Licensee"), is a licensed chiropractic physician in Oregon. The Board proposes to discipline the Licensee for the following reasons:

Findings of Fact

1.

On November 20, 2008, Licensee was involved in an incident involving his wife and was arrested by Milwaukie Police Department, for assault IV and spent a night incarcerated. (He was charged with Assault in the Fourth Degree, Class A Misdemeanor.) The incident was witnessed by Licensee's two small children. When the incident occurred, Licensee had been drinking alcohol. Licensee states he kicked his bed accidentally kicking his wife.

On February 23, 2009, Licensee pled guilty to the assault charge and was allowed to enter into criminal diversion for that charge and conviction.

On his fall 2009 renewal, Licensee was honest when asked if he had been arrested or convicted of any misdemeanor or felony.

In the diversion of his conviction Licensee was ordered to attend a 48 week Domestic Violence Deferred Sentence Program as well as an 8 week drug and alcohol assessment which included random UA's. The program won't be completed by Licensee until November 2009.

2.

On May 28, 2009, the Board issued a Proposed Notice for Disciplinary Action. A response or request for hearing was due within 30 days. Licensee did not request a hearing and is now in

default. In the original Proposed Notice, the Board indicated that the record herein would be used for purposes of default.

Conclusions of Law

3.

The Board finds that the conduct and criminal acts of Licensee bear a substantial relationship to Licensee's fitness and ability to engage in the activities for which his chiropractic license is required. The Board also finds that Licensee's conduct as described herein is in violation of the following statutes:

ORS 684.100 (1)(d)

(1) The State Board of Chiropractic Examiners may discipline a person upon any of the following grounds:

(d) A conviction of a felony or misdemeanor involving moral turpitude. A copy of the record of conviction, certified to by the clerk of the court entering the conviction, is conclusive evidence of the conviction.

OAR 811-035-0015 Unprofessional Conduct in the Chiropractic Profession

Unprofessional conduct means any unethical, deceptive, or deleterious conduct or practice harmful to the public; any departure from, or failure to conform to, the minimal standards of acceptable chiropractic practice; or a willful or careless disregard for the health, welfare or safety of patients, in any of which cases proof of actual injury need not be established.

ORS 684.100(9) provides the Board with authority for discipline.

Order

4.

The Board finds that Licensee's conduct as described herein constitutes reason for discipline of his chiropractic license in this state. The following conditions and requirements are placed on Licensee:

- a) Licensee must complete his domestic violence diversion program through the court system and provide proof of that to the Board, that Licensee also in addition to any required court programs,
- b) In addition, Licensee must complete an additional one year of board approved counseling (with a minimum of twice per month counseling sessions) and provide proof of attendance to the Board along with reports from the counselor,

- c) Licensee is required to submit to random UA's at a minimum of one per month for a two year period from the date of this order. The Board will accept random UAs provided as part of the court's diversion program, but if that is concluded then the UAs must come from a program approved by the Board (Recovery Support Services (Rick Weidlich, 503-892-9717 is approved).
- d) Licensee must cause the counseling and UA information to be provided to the Board on a regular basis. Licensee is required to pay the expenses for the counseling and UA reporting.
- e) Failure to abide by the provisions of this order would constitute grounds for further disciplinary action as per OAR 811-035-0015 (23).

Dated July 17, 2009

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By:  Original signature on file at OBCE

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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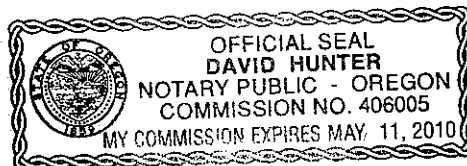
State of Oregon) Case # 2009-5003
County of Marion) Randall Fish DC

I, Dave McTeague, being first duly sworn, state that I am the Executive Director of the Oregon Board of Chiropractic Examiners, and as such, am authorized to verify pleadings in this case: and that the foregoing Final Order by Default is true to the best of my knowledge as I verily believe.

Original signature on file at OBCE.



Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners



SUBSCRIBED AND SWORN to before me

this 17th day of July, 2009

Original signature on file at OBCE



NOTARY PUBLIC FOR OREGON

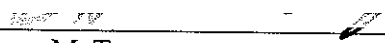
My Commission Expires: May 11, 2010

Certificate of Service

I, Dave McTeague, certify that on July 17, 2009, I served the foregoing Notice of Proposed Disciplinary Action upon the party hereto by mailing, regular mail, postage prepaid, a true, exact and full copy thereof to:

Randall Fish, DC
Spark of Life Chiropractic & Wellness Ctr
2025 SE Jefferson St
Milwaukie, OR 97222

Original signature on file at OBCE



Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners

