



3.

In order to informally dispose and settle this matter, Licensee and the OBCE by and through Dave McTeague, Executive Director of the OBCE agree to settle this matter through stipulation and agree that this stipulation sets forth the facts upon which the parties have agreed, the sanctions to be imposed and the basis for the final order in this matter under ORS 183.415.

4.

The Board makes the following findings of fact:

Licensee is under the Jurisdiction of this board and failed to provide written patient records as requested. Licensee further failed to cooperate with the requests and investigation of this Board. Licensee further failed to request a hearing in the time required by the statutes and rules and was in default.

5.

#### Conclusions of Law

The Board upon the foregoing facts, finds the following conclusions of law: The Board finds that the acts and conduct of Licensee described above are in violation of:

a) OAR 811-035-0015 (19) Failing to provide the Board with any documents requested by the Board.

b) OAR 811-035-0015 (20) Failing to fully cooperate with the Board during the course of an investigation, including but not limited to, waiver of confidentiality privileges, except attorney-client privilege.

c) OAR 811-015-0006 (1) A Chiropractic physician shall make available within a reasonable time to a patient or a third party upon the patient's written request, copies or summaries of medical records and originals or copies of the patient's X-rays.

d) ORS 684.100 (1)(t) ...failing to give reasonable access to the records and files of the physician's patients at any time.

6.

### STIPULATIONS

NOW THEREFORE the Board and Licensee Stipulate and Agree that this disciplinary action may be concluded by the entry of this Stipulated Final Order upon the following terms:

- 1) Licensee's chiropractic license is hereby reinstated effective on the date this order is fully signed;
- 2) Licensee will receive a letter of reprimand in accord with the stipulated facts and conclusions of law in this final order;
- 3) Licensee agrees to pay the costs of this disciplinary proceeding in the amount of \$423.00.
- 4) Pursuant to ORS 183.415(5) Licensee and the Board agree to informally dispose of this matter.
- 5) Licensee has waived her request for a hearing and is currently in default.
- 6) Licensee admits that she failed to provide records to a patient and failed to cooperate with the Board during this investigation.
- 7) Licensee waives a right to appeal this Stipulated Final Order.
- 8) This Stipulated Final Order memorializes the entire agreement between the Licensee and the Board and supercedes all prior offers, negotiations or settlement discussion regarding this matter.
- 9) The Board and Licensee stipulate to the above facts and agree that this disciplinary action may be concluded by the entry of the following order:

#### ORDER:

Pursuant to the above Findings of Fact and Conclusions of Law and Stipulations:

IT IS HEREBY ORDERED THAT:


- 1) Licensee Susan Gray is hereby reinstated and as of the date of this signed stipulation has a valid chiropractic license in the state of Oregon.
- 2) Licensee shall receive a letter of reprimand

3) Licensee shall pay costs in the amount of \$423.00.

THIS STIPULATED FINAL ORDER sets forth the entire agreement and stipulation of the parties to resolve this matter.

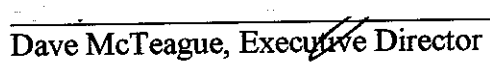
I have read and I understand all of the above Stipulated Final Order and fully agree to its terms.

Dated this 23<sup>rd</sup> day of October, 2000.

Original signature on file  
at the OBCE office.  
Susan Gray 

Dated this 23rd day of October, 2000.

**BOARD OF CHIROPRACTIC EXAMINERS**  
State of Oregon

Original signature on file  
at the OBCE office.  
By:   
Dave McTeague, Executive Director



# Oregon

John A. Kitzhaber, M.D., Governor

## Oregon Board of Chiropractic Examiners

3218 Pringle Road SE, Suite 150

Salem, OR 97302-6311

(503) 378-5816

FAX (503) 362-1260

E-mail: [oregon.obce@state.or.us](mailto:oregon.obce@state.or.us)

October 23, 2000

Susan Gray DC  
2304 East Burnside #104  
Portland, Oregon 97214

Re: Case 2000-1003, Letter of Reprimand

Dear Dr. Gray,

According to the Final Stipulated Order in this case you are hereby reprimanded for failure to release patient records and for failing to cooperate in the related investigation by the Board.

The Board expects that in the future you will release patient records in a timely manner when presented with a valid request.

Sincerely,

Original signature on file  
at the OBCE office.

Dave McTeague  
Executive Director

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

In the Matter of	)	
	)	Case # 00-1003
Susan Gray, D.C.	)	
	)	
	)	<b>NOTICE OF PROPOSED</b>
Licensee.	)	<b>SUSPENSION OF LICENSE</b>
	)	
	)	

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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. Susan Gray, D.C. (hereafter "Licensee"), is currently licensed by the Board to practice as a chiropractic physician in Oregon.

1.

The following is a chronology of events in the Board's efforts to resolve Licensee's records release issue and subsequently obtain a response to the complaint against Licensee.

January 5, 2000: OBCE Investigator Michael Summers received a phone call from Patient 1 saying she was unable to obtain her patient records from Licensee. She had asked Licensee to release her patient records to her insurance company. On the third try Mr. Summers spoke with Licensee who said she would forward the records as requested.

January 10, 2000: Patient 1 again called Mr. Summers to report her records still had not been received from Licensee and a complaint form was mailed to her the same day.

January 26, 2000: A written complaint was received from Patient 1, 2000 and again, Mr. Summers left a message for Licensee the same day regarding this.

February 2, 2000 The letter (still dated January 27, 2000) asking Licensee to respond to the complaint was mailed a second time to the correct address. Licensee was asked to respond within ten days.

February 7, 2000: Licensed called Mr. Summers, acknowledged receiving the Board's letter. She said she was delayed and was bringing the patient records to the OBCE.

February 8, 2000: Licensed called Mr. Summers, again said she was delayed and was bringing the patient records to the OBCE.

February 27, 2000: Telephone call from Patient 1 stating her patient records still had not been released.

March 1, 2000: Mr. Summers left a message with Licensee asking her to return his call as soon as possible, stating her problems are now worse.

March 2, 2000: Mr. Summers left a message with Licensee regarding her lack of response and failure to release patient records as requested.

March 2, 2000: Licensee left a telephone message with Mr. Summers stating that she will bring her response and patient file to the OBCE.

March 3, 2000: Mr. Summers again left a message with Licensee.

March 3, 2000: Licensee left a telephone message with Mr. Summers stating that she will bring her response and patient file to the OBCE.

March 9, 2000 Executive Director Dave McTeague left a message for Licensee requesting her written response to the complaint.

March 13, 2000: Board President Richard McCarthy DC left a telephone message for Licensee requesting her response to the complaint.

March 16, 2000: The Oregon Board of Chiropractic Examiners met and discussed Licensee's failure to respond and release patient records in executive session. In public session they voted to issue a Notice of Proposed Disciplinary Action proposing to suspend Licensee's license to practice chiropractic for failing to cooperate with an investigation. They further directed the Executive Director to delay issuing the Notice until Licensee had been given one more chance to respond to Patient 1's complaint.

March 20, 2000: A letter was sent to Licensee by certified mail requesting her response within 14 days. (Attachment 1)

March 22, 2000: The certified letter was received and signed for by Licensee.

April 21, 2000: Mr. Summers called Patient 1 to see if she had any knowledge concerning the requested release of her patient records. She said her patient records had not been released.

April 21, 2000: Mr. Summers left a phone message for Licensee advising that a Notice of Disciplinary Action would be sent soon, and requested that Licensee call him as soon as possible.

April 26, 2000: It's now been over a month since Licensee received the Board's last letter requesting her written response to Patient 1's complaint. The patient files requested have still not been released.

2.

The preceding chronology of events demonstrates that Licensee has been requested verbally and in writing to respond to the complaint/and or requested to release Patient 1's records numerous times over a span of three and one-half months. Moreover, Licensee received a certified letter regarding the impending issuance of this Notice on March 22, 2000 which requested her response to the complaint within fourteen days. As of April 26, 2000, no response has been received. Patient 1 needs her patient files released to her insurance company.

3.

The Board finds that the acts and conduct of Licensee described above are in violation of:

a) OAR 811-035-0015 (19) Failing to provide the Board with any documents requested by the Board.

b) OAR 811-035-0015 (20) Failing to fully cooperate with the Board during the course of an investigation, including but not limited to, waiver of confidentiality privileges, except attorney-client privilege.

c) OAR 811-015-0006 (1) A Chiropractic physician shall make available within a reasonable time to a patient or a third party upon the patient's written request, copies or summaries of medical records and originals or copies of the patient's X-rays.

d) ORS 684.100 (1)(t) ...failing to give reasonable access to the records and files of the physician's patients at any time.

4.

The Board proposes to suspend Licensee's license to practice chiropractic due to the aforementioned violations.

5.

Licensee shall pay costs of this disciplinary proceeding, including investigative costs and attorney fees, pursuant to ORS 684.100(9)(g).

6.

**NOTICE OF RIGHT TO A HEARING**

Licensee has the right, if Licensee requests, to a hearing as provided by the Administrative procedures Act (ORS Chapter 183) before the Board or its hearing officer to contest the matter set out above. At the hearing, Licensee may be represented by an attorney, and may subpoena and cross-examine witnesses. A request for hearing must be made in writing to the Board, and must be received by the Board within 30 days from the date of mailing of this notice (or if not mailed, the date of personal service), and must be accompanied by a written answer to the charges contained in this Notice. Upon receipt of a request for hearing, the Board will notify licensee of the time and place of the hearing. If Licensee requests a hearing, Licensee will be given, prior to the commencement of the hearing, information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing as required by ORS 183.413(2).

7.

Licensee's answer shall be made in writing to the Board and shall include an admission or denial of each factual matter alleged in this Notice, and a short plain statement of each relevant affirmative defense Licensee may have. Except for good cause, factual matters alleged in this notice and not denied in the answer shall be presumed admitted; failure to raise a particular defense in the answer will be considered a waiver of such defense; and new matters alleged in the answer

(affirmative defenses) shall be presumed to be denied by the agency, and evidence shall not be taken on any issue not raised in the Notice and answer.

8.

If Licensee fails to request a hearing within 30 days, or fails to appear as scheduled at the hearing, the Board may issue a final order by default and impose the above sanctions against Licensee. Upon default order of the Board or failure to appear, the contents of the Board's file regarding the subject of this case automatically becomes part of the evidentiary record of this disciplinary action for the purpose of proving a prima facie case. ORS 183.415(6).

DATED this 26th day of April, 2000.

**BOARD OF CHIROPRACTIC EXAMINERS**  
State of Oregon

By: Original signature on file  
at the OBCE office.  
Dave McTeague, Executive Director

VERIFICATION

State of Oregon )  
County of Marion ) Case # 2000-1003

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

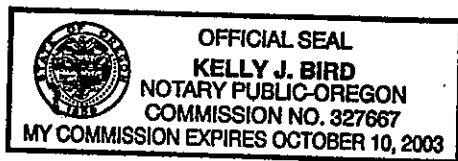
Original signature on file  
at the OBCE office.

\_\_\_\_\_  
DAVE McTEAGUE, EXECUTIVE DIRECTOR  
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me  
this 26<sup>th</sup> day of April, 2000.

Original signature on file  
at the OBCE office.

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 10/10/03



**CERTIFICATE OF SERVICE**

I, Dave McTeague, certify that on April 26, 2000, I served the foregoing Notice upon Susan Gray DC, the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Susan Gray DC  
2401 East Burnside  
Portland, Oregon 97214

Original signature on file  
at the OBCE office.

---

Dave McTeague  
Executive Director  
Oregon Board of Chiropractic Examiners



# Oregon

John A. Kitzhaber, M.D., Governor

Attachment 1

Oregon Board of Chiropractic Examiners

3218 Pringle Road SE, Suite 150

Salem, OR 97302-6311

(503) 378-5816

FAX (503) 362-1260

E-mail: oregon.obce@state.or.us

March 20, 2000

Susan Gray, DC  
2401 East Burnside, #104  
Portland, Oregon 97214

**Re: Complaint # 2000-1003**

Dear Dr. Gray,

The Oregon Board of Chiropractic Examiners has reviewed the complaint filed against you and discussed your lack of a response. They are concerned that in spite of our efforts, you have not responded to the complaint, and we have no indication that the patient records requested have been released.

The Board voted to issue a Proposed Notice of Disciplinary Action to suspend your license to practice chiropractic due to your failure to cooperate with an investigation of this board.

However, the Board also decided to delay the issuance of the Proposed Notice for 14 days from the date of this letter, in order to give you one last chance to respond to the complaint and address the request for the patient's records.

Please send us your response immediately.

If you would like to discuss this request you may call Michael Summers, Investigator, at extension 25.

Sincerely,

Original signature on file  
at the OBCE office.

Dave McTeague  
Executive Director

Enclosure

