

BEFORE THE
 BOARD OF CHIROPRACTIC EXAMINERS
 STATE OF OREGON

In the Matter of)	
)	Case # 2002-3012
Susan Gray, D.C.)	
)	
)	FINAL ORDER BY DEFAULT
Licensee.)	
)	
)	

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.

August 21, 2002: OBCE Investigator Michael Summers received a complaint from an attorney representing an injured patient of Licensee and the Licensee’s failure to release her patient records to her patient and/or attorney. The attorney had attempted since February 2002 to obtain the records from Licensee.

September 12, 2002: Board investigator, Michael Summers wrote to Licensee explaining the complaint and asked for her to respond.

October 28, 2002 : Michael Summers again wrote to Licensee again requesting a response to the complaint and requested a response within 14 days. Licensee did not respond to the Board in regards to the complaint or why the records were not provided.

November 22, 2002: 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.

Licensee has been disciplined in the past for failure to release records. In September 2000 Licensee stipulated to be reprimanded and pay costs of discipline due to her failure to release records.

2.

The preceding chronology of events demonstrates that Licensee has been requested verbally to respond to the complaint/and or requested to release Patient 1’s records ten times requested by

the attorney over a span of six months. In addition, Licensee has failed to respond to the Board in their investigation of this matter on two occasions. Licensee has made no response to any requests the Board has made.

3.

On November 26, 2002, a copy of the Notice of Proposed Discipline was served on the Licensee at her address of 2304 East Burnside Avenue, Suite 3, Portland Oregon, 97214. On December 16, 2003, Licensee signed for and received the certified mailed letter and executed the "green card" for the certified mail.

No answer to the notice was received within the thirty day time period as stated in the proposed notice by the Licensee. During the week of January 13, 2003, the board investigator left word with the clinic where Licensee works that there was no response received to the notice and she must immediately respond as her license could be suspended. No return phone call or written contact by Licensee has been made to the Board or their staff.

The Notice of Proposed Discipline included in paragraph 9 language that indicated the Board file is relevant to the subject and automatically became part of the evidentiary record for purposes of default to prove a prima facie case.

4.

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.

5.

IT IS HEREBY ORDERED that the Licensee, Susan Gray D.C., is found to be in default and that her license is suspended effective February 3, 2003 from the practice of chiropractic due to the aforementioned violations pursuant to ORS 684.100(a) and for her default in this matter.

6.

Licensee is ordered to pay costs of this disciplinary proceeding, including investigative costs and attorney fees, pursuant to ORS 684.100(9)(g) in an amount to be determined within 30 days.

DATED this 27th day of January 2003.

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 # 2002-3012

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 Final Order by Default is true to the best of my knowledge as I verily believe.

Original signature on file
at the OBCE office.

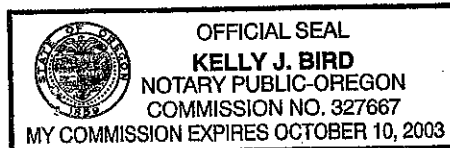
DAVE McTEAGUE, EXECUTIVE DIRECTOR
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me

this 24th day of January, 2002.

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 January 27, 2003, 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
2304 East Burnside Ave Suite 3
Portland, Oregon 97214

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners