



Oregon

Theodore R. Kulongoski, Governor

Oregon Board of Chiropractic Examiners

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**This is a board action and therefore,
a public document. However, it is
NOT a disciplinary action.**

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of

Rebecca Gross, D.C.

License No: 2887

Licensee.

)
) NOTICE OF PROPOSED
)
) SUSPENSION, CIVIL PENALTY
)
) Case # 2006 - 5013
)

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. Rebecca Gross, D.C. (hereafter "Licensee"), is a licensed chiropractic physician in Oregon. The Board proposes to discipline Licensee or for the following reasons:

1.

On October 13, 2006 the OBCE sent Licensee a letter to her address of record informing her that her name was randomly selected for the annual check for completion of annual continuing education requirements. This letter informed Licensee of the need to submit verification of 4 hours continuing education for the period of August 1, 2006 through the last day of Licensee's birth month, which is January (2006). However, the "4 hours" was a mistake and a correction letter was sent on October 17, 2006 indicating that 20 hours of CE needed to be reported. A follow-up reminder letter was sent to Licensee on November 8, 2006. Kelly Bird of OBCE staff attempted to make a follow-up telephone call to Licensee on November 15, 2006 but said the call was dropped or did not go through.

2.

As of November 16, 2006 and through the date of this Notice no response to the Board's request has been received from Licensee.

3.

The Board finds that Licensee's is in violations of ORS 684.092 and OAR 811-015-0025 (11).



4.

Due to the aforementioned violations, the OBCE to suspend Licensee's license to practice chiropractic until she has provided the 20 hours CE with adequate verification and pays a \$250 Civil Penalty.

5.

Licensee has the right, if Licensee requests, to have a formal contested case hearing before the OBCE or its Administrative Law Judge to contest the matter set out above. At the hearing, Licensee may be represented by an attorney and subpoena and cross-examine witnesses. That request for hearing must be made in writing to the OBCE, must be received by the OBCE within 30 days from the 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.

6.

The answer shall be made in writing to the OBCE 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 will be considered a waiver of such defense; new matters alleged in this 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.

7.

If Licensee requests a hearing, before commencement of that hearing, Licensee will be given information on the procedures, rights of representation and other rights of the parties relating to the conduct of the hearing as required under ORS 183.413-415.

8.

If Licensee fails to request a hearing within 30 days, or fails to appear as scheduled at the hearing, the OBCE 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 automatically become part of the evidentiary record of this disciplinary action upon default for the purpose of proving a prima facie case.

IT IS SO ORDERED this 4th day of December 2006

BOARD OF CHIROPRACTIC EXAMINERS

State of Oregon

Original signatures on file
at the OBCE office.

By:

Dave McTeague
Executive Director

State of Oregon) Case # 2006 - 5013
County of Marion) Rebecca Gross 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 Notice of Proposed Suspension and Civil Penalty is true to the best of my knowledge as I verily believe.

Original signatures on file
at the OBCE office.

Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

SUBSCRIBED AND SWORN to before me

this 4th day of December, 2006

Original signatures on file
at the OBCE office.

NOTARY PUBLIC FOR OREGON



CERTIFICATE OF SERVICE

I, Dave McTeague, certify that on December 4, 2006, I served the foregoing Notice upon Rebecca Gross DC, the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Rebecca Gross, DC
2106 SE Eagle Ave.
Gresham, OR 97030

Original signatures on file
at the OBCE office.

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners