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

6 In the Matter of )  
7 ) FINAL ORDER BY  
8 Samantha Kennedy, C.A. ) DEFAULT  
9 )  
10 )  
11 Licensee. ) Case # 05-5011  
12

13 The Board of Chiropractic Examiners (Board) is the state agency responsible for  
14 licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Samantha  
15 Kennedy (Licensee), is licensed by the Board to practice as a certified chiropractic assistant  
16 (CCA) in the State of Oregon. She was employed as a certified chiropractic assistant by Gail Ott  
17 DC, a Portland chiropractic physician.  
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19 Summary of Facts

20 1.

21 The Board received a complaint regarding a certified chiropractic assistant that was  
22 working for Dr. Ott performing illegal massage services to clients who were not patients at Dr.  
23 Ott's clinic.  
24

25 2.

26 The Oregon Board of Massage Therapists was investigating this matter and sent an  
27 investigator to Dr. Ott's chiropractic clinic on December 2, 2005. The investigator received a  
28 massage from Licensee, Samantha Kennedy, CCA, without first being provided a chiropractic  
29 examination. When the massage occurred, no chiropractor was not on site that day and Dr. Ott  
30 was informed by his staff later of the violation. Ms. Kennedy does not hold a valid massage  
31 license.  
32

33 3.

34 The Peer Review Committee reviewed this matter along with records from the Oregon  
35 Board of Massage Therapists and scheduling records, payroll, and other information provided by  
36 Dr. Ott through the OBMT. The Peer Review Committee found that Ms. Kennedy did perform a  
37 massage without having a chiropractic physician present and without a massage therapy license  
38 on an OBMT investigator who was posing as a client in Dr. Ott's clinic. During the  
39 investigation, Samantha Kennedy admitted to four instances where she provided massage  
40 without the supervision and the on site presence of a chiropractic physician.  
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4.

In the records reviewed, the clinic calendars show times when patients were scheduled to see Licensee or another CCA (who was not licensed as an LMT) when the clinic doctors were not indicated as present.

5.

On September 26, 2006, a Proposed Notice of Disciplinary Action was served on Licensee. That was sent via certified mail and was signed by Licensee on October 6, 2006. Within the 30 day time limit provided, Licensee has failed to file a written request for hearing. In the Proposed Notice of Discipline, the Board stated that the record on file would be used for purposes of default and to establish a prima facie case.

Conclusions of Law

6.

The Board finds that conduct described above is a violation of OAR 811-010-0110 (6) and (15) and ORS 684.100(1)(g)(A) in that Licensee failed to practice within her scope as a certified chiropractic assistant and performed several unsupervised massages, which was practicing massage without a license. That rule requires "the service of the Certified Chiropractic Assistant shall be directly supervised by the chiropractor at all times. The supervising chiropractor must be on the premises."

7.

Due to the aforementioned violations, the OBCE issues a Letter of Reprimand to Licensee. Licensee is also ordered to also pay a civil penalty in the sum of \$250 to the Board due and payable within 30 days.

IT IS HEREBY ORDERED that Licensee is reprimanded and ordered to pay a civil penalty of \$250 to the Board within 30 days.

DATED this    th day of November 2006.

BOARD OF CHIROPRACTIC EXAMINERS

State of Oregon

Original Signatures on file

By:                   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

1 requested by filing a petition in the Court of Appeals within 60 days following the date the order upon which the  
2 petition is based is served. \* \* \* \* \*

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4 State of Oregon ) Case # 05-5011  
5 County of Marion ) Samantha Kennedy CCA  
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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  
11 verily believe.

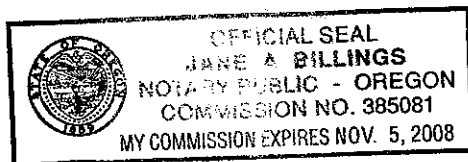
12 Original Signatures on file  
at the OBCE Office

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14 Dave McTeague, Executive Director  
15 Oregon Board of Chiropractic Examiners  
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18 SUBSCRIBED AND SWORN to before me  
19 this 9 day of Nov, 2006

20 Original Signatures on file  
at the OBCE Office

21 Jane A Billings  
22 NOTARY PUBLIC FOR OREGON  
23 My Commission Expires: 11-5-08



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## Certificate of Service

I, Dave McTeague, certify that on November 9, 2006, I served the foregoing Final Order by Default upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Samantha R. Kennedy,  
2345 NW Marshall # 107  
Portland, Oregon 97210

Original Signatures on file  
at the OBCE Office

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Dave McTeague  
Executive Director  
Oregon Board of Chiropractic Examiners

1  
2 **BEFORE THE**  
3 **BOARD OF CHIROPRACTIC EXAMINERS**  
4 **STATE OF OREGON**

5  
6 In the Matter of )  
7 )  
8 Samantha Kennedy, C.A. ) NOTICE OF PROPOSED  
9 ) DISCIPLINARY ACTION  
10 )  
11 )  
12 Licensee. ) Case # 05-5011

13 The Board of Chiropractic Examiners (Board) is the state agency responsible for  
14 licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Samantha  
15 Kennedy (Licensee), is licensed by the Board to practice as a certified chiropractic assistant  
16 (CCA) in the State of Oregon. She was employed as a certified chiropractic assistant by Gail Ott  
17 DC, a Portland chiropractic physician.

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19 1.

20 The Board received a complaint regarding a certified chiropractic assistant that was  
working for Licensee performing illegal massage services to clients who were not patients of  
Licensee.

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24 The Oregon Board of Massage Therapists was investigating this matter and sent an  
25 investigator to Dr. Ott's chiropractic clinic on December 2, 2005. The investigator received a  
26 massage from Licensee, Samantha Kennedy, CCA, without first being provided a chiropractic  
27 examination by Dr. Ott. When the massage occurred, Dr. Ott was not on site that day and was  
28 informed by his staff later of the violation. Ms. Kennedy does not hold a valid massage license.

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31 3.

32 The Peer Review Committee reviewed this matter along with records from the Oregon  
33 Board of Massage Therapists and scheduling records, payroll, and other information provided by  
34 Dr. Ott through the OBMT. The Peer Review Committee found that Ms. Kennedy did perform a  
35 massage without having a chiropractic physician present and without a massage therapy license  
36 on an OBMT investigator who was posing as a client in Licensee's clinic. During the  
37 investigation, Samantha Kennedy admitted to four instances where she provided massage  
38 without the supervision and the on site presence of a chiropractic physician.

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40 In the records reviewed, the clinic calendars show times when patients were scheduled to  
41 see Ms. Kennedy when the clinic doctors were not scheduled.

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The Board finds that conduct described above is a violation of OAR 811-010-0110 (6) and (15) and ORS 684.100(1)(g)(A) in that Licensee failed to practice within her scope as a certified chiropractic assistant and performed several unsupervised massages, which was practicing massage without a license. That rule requires "the service of the Certified Chiropractic Assistant shall be directly supervised by the chiropractor at all times. The supervising chiropractor must be on the premises."

6.

Due to the aforementioned violations, the OBCE proposes to issue a Letter of Reprimand to Licensee. She must also pay a civil penalty in the sum of \$250 to the Board due and payable within 30 days.

7.

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

8.

Licensee has the right, if Licensee requests, to have a formal contested case hearing before the Office of Administrative Hearings 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.

9.

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.

10.

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.

11.

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.

DATED this 28th day of September 2006.

BOARD OF CHIROPRACTIC EXAMINERS  
State of Oregon

Original Signatures on file  
at the OBCE Office

By:

Dave McTeague, Executive Director

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State of Oregon ) Case # 05-5011  
County of Marion ) Samantha Kennedy CCA

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 Disciplinary Action is true to the best of my knowledge as I verily believe.

Original Signatures on file  
at the OBCE Office

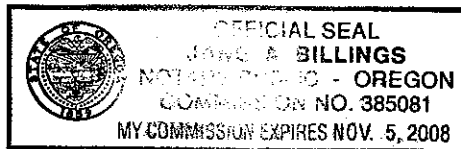
\_\_\_\_\_  
Dave McTeague, Executive Director  
Oregon Board of Chiropractic Examiners

SUBSCRIBED AND SWORN to before me

this 29 day of Sept, 2006

Original Signatures on file  
at the OBCE Office

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NOTARY PUBLIC FOR OREGON  
My Commission Expires: 11-5-2008



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## Certificate of Service

I, Dave McTeague, certify that on September 29, 2006, I served the foregoing Notice of Proposed Disciplinary Action upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

9 Samantha R. Kennedy,  
10 2345 NW Marshall # 107  
11 Portland, Oregon 97210

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Original Signatures on file  
at the OBCE Office

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Dave McTeague  
Executive Director  
Oregon Board of Chiropractic Examiners