

1 BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS

2 FOR THE STATE OF OREGON

3 In the Matter of the License of) NOTICE OF PROPOSED
4 Judd Mizrahi, D.C.) REVOCATION OF CHIROPRACTIC
5) LICENSE, ASSESS CIVIL
6) PENALTY AND COSTS AND FEES

7 1.

8 The Oregon Board of Chiropractic Examiners (OBCE) proposes to
9 revoke the license to practice chiropractic of Judd Mizrahi,
10 pursuant to ORS 183.413 et seq. and ORS 684.100.

11 2.

12 Judd Mizrahi (Mizrahi) is a chiropractor licensed under ORS
13 684.054 who has practiced at a business known as the St. Helens
14 Chiropractic Clinic (clinic), 2370 Gable Road, St. Helens, Oregon
15 97051. Mizrahi has at all times material to this action exercised
16 dominion and control over the business affairs of the clinic,
17 setting its policies as well as directing and implementing them
18 through employees.

19 3.

20 On April 27, 1989, Mizrahi violated ORS 684.100(1)(g)(A) and
21 OAR 811-15-005(1), in that he engaged in the conduct of double and
22 triple billing the SAIF Corporation for services provided to

23 Double billings for Manual Manipulation 1 Area,
24 Shortwave Diathermy, Electrical Stimulation (unattended),
25 Ultrasound, and Electrical Stimulation (attended) were submitted to
26 the SAIF Corporation for payment. Double payments for these
27 services were paid by SAIF Corporation in June 1989. Triple
28 billings for Minimal Service, Therapy Exercise, and Neuromuscular

1 Reeducation were also submitted to the SAIF Corporation and were
2 paid by the SAIF Corporation in June 1989.

3 4.

4 On November 30, 1988, Mizrahi violated OAR 811-15-005, in
5 that he billed for an intermediate examination with
6 the first visit and did not substantiate the examination with chart
7 notes. Further, he displays no significant objective findings in
8 any of his progress notes.

9 5.

10 Beginning December 1, 1988 and continuing through December
11 30, 1988, Mizrahi engaged in conduct which violated ORS
12 684.100(g)(B) and OAR 811-15-010, in that he provided unnecessary
13 treatment to by providing no basis for, or any
14 indication of objective response to treating the patient 23 times,
15 using several additional therapies per office visit.

16 6.

17 Mizrahi engaged in conduct which violated ORS 684.100(1)(t)
18 in that he indicated that the patient, was in too
19 much pain to do a thorough initial examination and yet he adjusted
20 the patient in three different spinal levels. In addition, no x-
21 rays were taken in spite of the fact that the patient had been
22 involved in a traumatic auto accident. Mizrahi did not provide any
23 rationale for the use of treating modalities.

24 7.

25 Between February 17, 1989, and February 22, 1991, Mizrahi
26 engaged in conduct which violated ORS 684.100(1)(g)(A), OAR 811-15-
27 005(1) and OAR 811-15-010(1) in that he refused to provide patients
28 with access to their x-rays

1 until their bills were paid in full. Further, Mizrahi's chart notes
2 do not justify the treatment rendered to
3

4 8.

5 On December 12, 1990, Mizrahi engaged in conduct which
6 violated ORS 684.100(1)(L) and OAR 811-15-045(1)(a) when he
7 advertised free food processors and a free weight loss program in
8 the Chronicle, a St. Helens newspaper. In fact, a fee of \$47.50 was
9 required to receive the food processor or the weight loss program.

10 9.

11 The Board also proposes to assess a civil penalty of \$1000 ,
12 as well as the costs and fees incurred in bringing this
13 disciplinary action.

14 10.

15 You are entitled to a hearing as provided by the
16 Administrative Procedures Act (ORS ch 183). You may be represented
17 by counsel at the hearing. If you desire a hearing, you must notify
18 OBCE in writing that you request a hearing within 21 days of the
19 date of the mailing or service of this Notice to you. If a
20 request for a hearing is not received within this 21 day period,
21 your right to a hearing shall be considered waived unless
22 excused for good cause. Upon the receipt of your request for a
23 hearing, OBCE will notify you of the time and place of the hearing.

24 11.

25 If you request a hearing, you will be given information
26 on the procedures, rights of representation and other rights of
27 parties relating to the conduct of the hearing as required under
28 ORS 183.413-415 before commencement of the hearing.

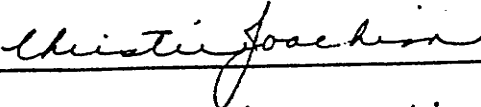
12.

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2 If you fail to request a hearing within 21 days, or you fail
3 to appear at a scheduled hearing, OBCE may issue a final order by
4 default revoking your license to practice chiropractic and impose
5 a civil penalty and the costs of the proceeding, based upon the
6 records and files currently within the possession of OBCE
7 pertaining to this case.

13.

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9 An answer to this notice is requested, pursuant to OAR 811-
10 01-010-(2)(a) and (b). Failure to deny or defend these allegations
11 will result in a waiver and admission of the allegations. The APA
12 Procedures governing the hearing will be provided after a request
13 for hearing and prior to the hearing.

14
15 DATED this 26 day of February, 1991

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18 Christie Joachim, Executive Director
19 Board of Chiropractic Examiners
20 for the State of Oregon
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