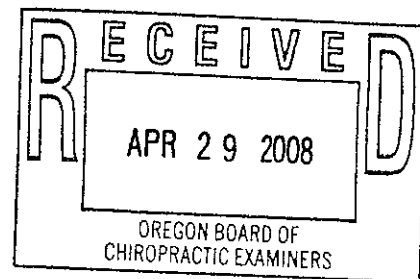


BEFORE THE  
BOARD OF CHIROPRACTIC EXAMINERS  
STATE OF OREGON



In the Matter of )  
 ) Case # 2008-5001  
Lawrence Nelson, D.C. )  
 )  
 ) Stipulated Final Order  
 )  
 )  
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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. Lawrence Nelson, D.C. (hereafter "Licensee"), is currently licensed by the Board to practice as a chiropractic physician in Oregon.

Findings of Fact

1.

The Board incorporates the Notice of Proposed Discipline issued by the Board on February 5, 2008 herein as the findings of fact and incorporates that by reference.

Conclusions of Law

2.

The Board finds that the Licensee has violated OAR 811-015-0045(1), (2) and (3), the Oregon Doctors' Title Act, ORS, 676.110, and OAR 811-015-0045 (3), ORS 684.100(1)(g)(A) and OAR 811-035-0015(24).

### Stipulations

3.

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

1. Pursuant to ORS 183.415(5) the Board and Licensee agree to informally dispose of and settle this matter.
2. Licensee stipulates that he has been advised of his right to request a hearing in this matter pursuant to ORS 183.415(2)(a), and to be represented at hearing pursuant to ORS 183.415(3).
3. Licensee waives his right to a hearing in this matter and waives any right to appeal.
4. Licensee will pay the civil penalty in the sum of \$2500 within 30 days of this final order.
5. If Licensee violates any part of this agreement it may be cause for further discipline by the Board.
6. The Stipulated Final Order memorializes the entire agreement between Licensee and the Board and supersedes all prior offers or settlement discussions.

IT IS HEREBY ORDERED Licensee is assessed a \$2500 civil penalty.

Effective date last signed below:

## State of Oregon

D. J. [redacted], Executive Director

Original signatures on file  
at the OBCE office.

Date: Apr. 29, 2005

BEFORE THE  
BOARD OF CHIROPRACTIC EXAMINERS  
STATE OF OREGON

In the Matter of	)	
	)	Case # 2008-5001
Lawrence Nelson, D.C.	)	
	)	
	)	<b>NOTICE OF PROPOSED</b>
Licensee.	)	<b>CIVIL PENALTY</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. Lawrence Nelson, D.C. (hereafter "Licensee"), is currently licensed by the Board to practice as a chiropractic physician in Oregon.

1.

A complaint was filed in March 2007, regarding a telephone contact made by the clinic owned and operated by Licensee who practiced with "American Integrated Medicine." Licensee also had an associate doctor working at the clinic, Dr. Richard Crokin. Patient 1 had been in a motor vehicle accident and was pregnant at the time. The patient had her OBGYN examine her and seemed to be okay. On February 2, 2007 she received a phone call from Loraina of American Integrated Medicine. (AIM) Licensee is the owner and serves as a chiropractic physician at AIM. In that telephone call, the patient was told that the insurance company had contacted AIM and requested they present themselves for an exam and evaluation of potential injuries as a result of the accident. In fact, their insurance company had not made that request but AIM and Licensee received the information from DMV and police reports about accidents that had occurred.

2.

During the investigation, Patient 1 indicated in the solicited phone contact with AIM, they had no idea that the clinic was providing chiropractic service, or what type of service was being provided. Licensee admitted during the investigation, that there was a script that staff was using to communicate with potential patients. The OBCE obtained a copy of this script during the investigation which states "I am calling from American Integrated Medicine regarding your accident on 1/30/06. We were notified of the incident and are calling to schedule a screening for potential injuries associated with the accident. The information will be sent to your insurance carrier as documentation."

The script does not indicate to the potential patient what type of medical practice the person is making an appointment with. Patient 1 did not know she was going to a chiropractor until she arrived at the clinic for the appointment. In addition, there is a conveyed misconception to the patient that somehow AIM is related to or requested by the patient's insurance carrier. This makes

the patient feel obligated to make an appointment under the disbelief that their insurance company has requested or required this when that is not the case.

During March 2007 a revised script provided from the clinic stated they provided neurology, however, Licensee indicated in his interview that he ceased treating anyone in his clinic since March 2007. Thus, between that time and January 1, 2008, when Licensee sold his interest in this clinic to his Associate Doctor the script indicated these services were available, when in fact they were not available from a medical neurologist or from a chiropractic physician with a recognized diplomate credential

3.

During the telephone contact with Patient 1, Licensee's clinic staff failed to identify his profession or what type of medical clinic or profession the patient was making an appointment with. By referring to it as "American Integrated Medicine" and providing no further information, that is misleading to the potential patient. In addition, the script referring the auto accident and stating it will be referred to the insurance carrier, is misleading to the patient in that they are under the belief that their insurance company has requested or required the visit. The deceptive and misleading aspects of the phone contact are in violation of OAR 811-015-0045(1), (2) and (3), and the information conveyed to the patient and references to AIM only, violates the Oregon Doctors' Title Act, ORS, 676.110, and OAR 811-015-0045 (3) which says, "A Chiropractic physician shall adhere to the Doctors' Title Act, ORS 676.110(2)."

4.

A complaint was filed in July of 2007 regarding treatment of Patient 2, who was treated following a motor vehicle accident despite reporting to her insurance that she was not injured. Patient 2 alleges that she received numerous calls from Licensee's office asking her to come for treatment despite her claim that she never had any pain or discomfort following the accident. Patient 2 was contacted by AIM with the similar script as Patient 1. Licensee's Associate Doctor said that (revised) script described AIM as an independent chiropractic, physical therapy and neurology office. There is no neurologist on staff at AIM nor are there any licensed physical therapists as this statement implies. Similarly, the clinic name implies to the potential patient this is a medical clinic. Furthermore, perspective patients were told that the Portland Police Department provided the patient's name and number and that they needed to get them scheduled for an exam. A reasonable person may believe that there is a relationship between the Portland Police Department and the Licensee based on that statement. This is patently false, misleading and potentially intimidating to patients not born and raised in the United States and is in violation of OAR 811-015-0045(1), (2) and (3), and the information conveyed to the patient and references to AIM only, violates the Oregon Doctors' Title Act, ORS, 676.110, and OAR 811-015-0045 (3) which says, "A Chiropractic physician shall adhere to the Doctors' Title Act, ORS 676.110(2)."

This advertising is deceptive and misleading in violation of OAR 811-015-0045(1). Licensee acknowledged that there was no physician practicing in the clinic with any certification or credentials of advanced neurological training. The use of the word neurology implies what is not present at this clinic and is misleading.

The postcards that are sent out by Licensee's clinic to prospective patients indicate there is a naturopath on staff at AIM. During his interview, Licensee informed the Board that there is no naturopath on staff at this clinic, nor had there been since over 18 months prior to this time period. This advertising is deceptive and misleading in violation of OAR 811-015-0045(1).

5.

In July 2007, Patient 3 was in a traffic crash and subsequently received a telephone solicitation (from Licensee's clinic) from what she thought was State Farm insurance, the other driver's insurance company. The solicitor said that most back injuries don't show up until weeks down the road and that she should get checked out. Patient 3 said that made sense to her, but she was really shocked that her insurance talked with State Farm. (She later determined this did not occur.) Patient 3 was under the impression this call was from State Farm insurance, the carrier for the person who rear ended her car. She said the solicitor asked if she would be interested in an exam to see if there were any injuries to my back. She agreed to submit to the examination. The (male) solicitor said he would transfer her over to the clinic office. "He transferred me over to another office and a woman picked up....she scheduled the appointment. I didn't have to explain to her that I had been transferred. (she was expecting the call) When I did talk to them over the phone they just assumed that I was going to see them." The attempt to convince Patient 3 that an insurance company wanted her to submit to this examination is deceptive and misleading in violation of OAR 811-015-0045(1)

6.

During a Board interview, Licensee stated that during spring 2007 he paid two independent contractor telemarketers a fee of \$20 for each patient that is referred to the clinic. The telemarketers were the individuals that contacted the patients, 1, 2 and 3 as mentioned above. He further stated that this is their only compensation for their job of getting new patients to the clinic. A review of the clinic appointment book indicated at least 20 instances of referrals from the telemarketers. Licensee stated they would schedule approximately 20 of these this type of patients per week. The telemarketers come to his office to make the calls from the office and are provided a script from Licensee as to what they will say to the prospective patients. Licensee splits the costs of the hiring the telemarketers with his associate, Dr. Crokin. The above is fee splitting and is in violation of ORS 684.100(1)(g)(A) and OAR 811-035-0015(24).

7.

The Board proposes to issue a civil penalty for the sum of \$2500 due to the previously mentioned violations.

8.

Licensee shall pay costs of this disciplinary proceeding, which may include investigative costs and attorney fees pursuant to ORS 684.100(9)(g). This cost recovery may also include collection of non-sufficient funds fees, interest, hearing panel and contested case related expenses. The statutory rate of interest applies to an amount not paid when due. This amount is immediately due and payable unless the OBCE agrees to a payment plan.

## NOTICE OF HEARING RIGHTS

9.

Licensee has the right, if Licensee requests, to have a formal contested case hearing before the OBCE or its hearings officer 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.

10.

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.

11.

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.

12.

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 5th day of February 2008

### BOARD OF CHIROPRACTIC EXAMINERS

State of

Original signatures on file  
at the OBCE office.

By:

Dave McTeague, Executive Director

## VERIFICATION

State of Oregon ) Lawrence Nelson D.C.  
County of Marion ) Case # 2008-5001

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 signatures on file  
at the OBCE office.

DAVE McTEAGUE, EXECUTIVE DIRECTOR  
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me  
this 6 day of Feb, 2008.

NOTARY PUBLIC FOR OREGON  
My Commission Expires: 11-5-08





**CERTIFICATE OF SERVICE**

I, Dave McTeague, certify that on February 5, 2008, I served the foregoing Notice upon Lawrence Nelson DC, the party hereto, by mailing, certified mail, postage prepaid, and a true, exact and full copy thereof to:

Lawrence Nelson DC  
P. O. Box 2415  
Wilsonville, Oregon 97070

Original signatures on file  
at the OBCE office.

Dave McTeague  
Executive Director  
Oregon Board of Chiropractic Examiners

## NOTICE OF CONTESTED CASE RIGHTS AND PROCEDURES

### You should read this information to prepare for the hearing

1. **Law that applies.** The matter set for hearing is a contested case. The hearing will be conducted as provided in chapter 183 of the Oregon Revised Statutes and the administrative rules and statutes of the Oregon Board of Chiropractic Examiners (OBCE), OAR chapter 811, ORS chapter 684, and the Attorney General's Office of Administrative Hearing Rules, OAR Chapter 137-003-0501 to 137-003-0700.
2. **Right to attorney.** The OBCE will be represented by an attorney. You are not required to be represented by counsel, unless you are an agency, corporation or association. You have a right to be represented by an attorney at your own expense. If you are not represented at the hearing and determine in the course of the hearing that an attorney is necessary you may request a recess to allow you an opportunity to secure the services of an attorney. The ALJ will decide whether to grant such a request. Legal Aid Organizations may be able to assist you if you have limited financial resources.
3. **Subpoenas.** You may subpoena witnesses. The OBCE will issue subpoenas upon request and upon a showing of good cause and general relevance of the evidence sought. If you are represented by an attorney, your attorney may issue subpoenas. Payment of witness and mileage fees to a witness you subpoena is your responsibility.
4. **Administrative Law Judge.** The person presiding at the hearing will be an Administrative Law Judge from the Office of Administrative Hearings. The ALJ will rule on all matters that arise at the hearing, subject to any agency consideration of matters transmitted for agency decision under OAR 137-003-0635 or matters subject to agency review under OAR 137-003-0640 and 137-003-0570. The ALJ will be assigned by the Chief ALJ from the Office of Administrative Hearings. The Office of Administrative Hearings consists of employees of the Employment Department and independent contractors with the Office of Administrative Hearings. The ALJ does not have the authority to make the final decision in the case. The final determination will be made by the Board.
5. **Discovery .** Discovery is permitted by the parties and requests for discovery should be in writing. Discovery should be requested first by informal means by the parties. You have the right to respond to all issues properly before the ALJ and should present evidence and witnesses. Discovery is provided in OAR 137-003-0570, OAR 137-003-0572 and OAR 137-003-0570(8).
- 6.. **Order of evidence.** A hearing is similar to a court proceeding but is less formal. Its general purpose is to determine the facts and whether the OBCE's actions are appropriate. The order of presentation of evidence is normally as follows:
  - a. Testimony of witnesses and other evidence of the Board in support of its proposed action.
  - b. Testimony of your witnesses and your other evidence.
  - c. Rebuttal evidence by the Board and by you.
6. **Burden of presenting evidence.** The burden of presenting evidence to support a fact or a position rests upon the party who proposes that fact or position. If you have the burden of proof on an issue, or if you intent to present evidence on an issue in which the agency has the burden of proof you should approach the hearing prepared to present the testimony of witnesses, including yourself, and other evidence that will support your position. All witnesses are subject to cross-examination and also to questioning by the ALJ.
7. **Witnesses.** All witnesses must testify under oath or affirmation to tell the truth. All witnesses, including yourself, are subject to cross-examined by other parties or by the ALJ.
8. **Admissible Evidence.** Evidence that may be admitted at the hearing is that which is commonly relied upon by reasonably prudent persons in the conduct of their serious affairs. Hearsay evidence is not automatically excluded. Rather, the fact that it is hearsay generally affects how much reliance the Board will place on it in reaching a decision.

- a. Entertain such oral argument as it determines necessary or appropriate to assist it in the proper disposition of the case; and
- b. Remand the matter to the hearings officer for further proceedings on any issues of fact which the OBCE believes were not fully or adequately developed; or
- c. Enter a final order adopting the recommendation of the ALJ as the OBCE's order or rejecting the recommendation of the ALJ. If the OBCE elects to reject the recommendation of the ALJ, the final order shall contain necessary findings of fact and conclusions of law.

12. **Final Order.** The agency will render the final order in this matter. The agency may modify the proposed order issued by the ALJ. If the agency modifies the proposed order in any substantial matter, the agency in its order will identify the modification and explain why the agency made the modification. The agency may modify a proposed finding of "historical" fact only if the proposed finding is not supported by a preponderance of the evidence in the record.

13. **Conferences.** Prior to a hearing, the ALJ may schedule conferences to:

- a. Establish a procedural schedule, including dates for prefiled testimony and exhibits;
- b. Identify, simplify or clarify issues;
- c. Eliminate irrelevant or immaterial issues;
- d. Obtain stipulations, authenticate documents, admit documents into evidence and decide the order of proof; and
- e. Consider other matters which may expedite the orderly conduct and disposition of the proceeding.

Except as provided in the following paragraph, the record shall reflect the results of any conferences, which shall be binding on all parties.

14. **Record.** A record will be made of the entire hearing to preserve the testimony and other evidence for appeal. This will be done by a tape recorder. Ordinarily the record will not be transcribed unless you appeal to the Court of Appeals. If you appeal, you will not have to pay for the cost of transcribing the record, unless the petition is frivolous or you unreasonably refuse to stipulate to a limited record. If you do not appeal, a copy of the record will be made available to you upon payment of the cost of making it.

15. **Appeal.** If you wish to appeal the final order, you must file a petition for review with the Oregon Court of Appeals within 60 days after the final order is served on you. See Oregon Revised Statutes 183.480 et seq.