

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of the license of)
FLOYD NORRISS, D.C.) FINAL ORDER
Licensee.) IN CONTESTED CASE

THIS MATTER came on for hearing at the duly noted time and place, 8:30 a.m., June 11, 1992, at the Archives Building, 800 Summer Street NE, Salem, Oregon, in response to a Notice of Sanction against Floyd Norriss, D.C. (Norriss), a chiropractic physician licensed by the Oregon Board of Chiropractic Examiners (Board). Norriss had been noticed by the Board that it would assess a \$1000 civil penalty and require that Norriss attend and successfully complete a 12 hour course in case management approved by the Board for magnifying the gravity of a case and falsely or negligently presenting incorrect facts to a patient or his representative, as alleged in the Notice.

Board members present were Gary Zimmerman, D.C., Presiding Officer, Richard Gorman, D.C., Mitzi Naucner, and Bonnie McDowell, D.C. Paul J. Sundermier, Assistant Attorney General, presented the case for the State of Oregon. Norriss was represented by Arthur B. Cummins, Jr., Attorney at Law.

Testimony was taken from Maurice Smith, D.C., as an expert witness on behalf of the State. Testimony was also taken from Norriss. Exhibits No. 1 through 14 were offered and accepted into evidence.

1 After hearing all the evidence and receiving the exhibits, the
2 Board heard the argument of counsel and closed the hearing. The
3 Board then deliberated in Executive Session and thereafter
4 announced in open public session the following:

5 **FINDINGS OF FACT**

6 1. Dr. Norriss first examined and treated patient
7 aged 9 years, on January 8, 1990 for injuries sustained in
8 a motor vehicle accident of December 26, 1989.

9 2. Dr. Norriss treated the patient for a cervical
10 sprain/strain injury until May 20, 1991.

11 3. Dr. Norriss told the patient and his father that, if the
12 patient didn't follow the home treatment plan, he could "wind up
13 with a permanent disability" and "end up in a wheelchair."

14 4. Dr. Norriss stated in a February 7, 1991 letter to John
15 W. Tower, Attorney at Law, "I have advised them either
16 consientiously (sic) and consistently follow instructions or
17 prepare for a permanent disability with reasonable expectations of
18 a wheelchair in the future."

19 **ULTIMATE FINDINGS OF FACT**

20 After reviewing the records and hearing the testimony of Dr.
21 Norriss, the Board concluded that it was highly unlikely that the
22 patient would be in a wheelchair or that a permanent disability was
23 probable.

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1 **CONCLUSIONS OF LAW**

2 Dr. Norriss violated ORS 684.100(1)(g)(A), ORS 684.100(1)(q)
3 and OAR 811-35-005(4) which state "a Doctor of Chiropractic shall
4 not magnify or minimize the gravity of the case. It is the doctor's
5 duty to acquaint the patient or the patient's personal
6 representative with the facts, should the case prove to have
7 potentially serious consequences."

8 **ORDER**

9 It is Therefore Ordered:

10 1. Dr. Norriss is to attend and successfully complete a 12
11 hour course, approved by the Board, which teaches soft tissue case
12 management, within a 12 month period.

13 2. The Board imposes a civil penalty in the amount of \$1000.

14 DATED this 19 day of June, 1992

15 OREGON BOARD OF CHIROPRACTIC EXAMINERS

16 Original signature on file
17 at the OBCE office.

18 By: _____

Christie Joachim
Executive Director

19 **NOTICE:** You are entitled to judicial review of this Final Order
20 pursuant to the provisions of ORS 183.480. Judicial review may be
21 obtained by filing a petition in the Oregon Court of Appeals. The
22 petition must be filed within 60 days from the date of service of
23 this Final Order.

24 **CERTIFICATE OF MAILING**

25 The above Final Order was mailed by first class mail to Floyd
26 Norriss, D.C. at: PO Box 816

27 CAVE Junction, OR, on the 22nd day of
28 June, 1992.

Original signature on file
at the OBCE office. _____

