

BEFORE THE

BOARD OF CHIROPRACTIC EXAMINERS

STATE OF OREGON

In the Matter of) .
	STIPULATED FINAL ORDER
Paul E. Okamoto, D.C.)
,) Case No. 2014-1034
Licensee.	j j

The Board of Chiropractic Examiners (Board) is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Paul E. Okamoto, D.C. (Licensee) is licensed by the Board to practice as a chiropractic physician in the State of Oregon.

Findings of Fact

1.

On March 17, 2015, the Board issued a Proposed Notice of Discipline regarding therapy Patient received from Licensee. Licensee timely requested a hearing, denied the Board's findings, and filed affirmative defenses. Licensee also took prompt action in pursuing continuing education and consultation to conform his documentation to current administrative rules. The Board hereby incorporates by reference the Proposed Notice of Discipline and Request for Hearing herein. Patient fell on ice and landed on her right arm, with subsequent right shoulder pain. Patient was taken to an Urgent Care facility where she was evaluated by a medical doctor, told she had no fractures and given pain medication. A week later Patient presented to Licensee for evaluation and treatment. Patient reported her earlier evaluation at the Urgent Care facility to Licensee. Patient was seen at Licensee's clinic four times and her right arm was treated with ice, ultrasound and massage therapy without manipulation. Patient was referred for MRI and diagnosed with a fracture of her right shoulder.

1 - STIPULATED FINAL ORDER (Paul Okamoto, D.C., Case No. 2014-1034)

Conclusions of Law

2.

If this matter were to proceed to hearing, the Board would find, and Licensee denies, Licensee fell below the minimum standards in violation of ORS 684.100(1)(f)(A) and (B), and OAR 811-015-005(1)(a) and (b), as follows: by not keeping complete documentation regarding his encounters with Patient; and when unable to conduct an adequate orthopedic examination, by not first obtaining Patient's urgent care records, or first requiring Patient to obtain imaging studies in the absence of those records, prior to providing Patient with contraindicated massage and ultrasound.

Stipulations

3.

Therefore, pursuant to ORS 684.100(9)(b), (f) and (g) the Board orders:

- 1. The parties have agreed to enter this Stipulated Final Order (Order). Licensee agrees he is aware of his right to a hearing with his attorney present to contest the charges and hereby waives that right and agrees to entry of this Order. The signature of this Order also waives any right to appeal. The parties wish to settle and resolve the above matter without further proceeding.
- 2. Licensee will be mentored by a Board approved Mentor for a minimum of two years and successfully complete the mentoring plan. The Mentor will determine the number of meetings required. At any time that Licensee ceases active practice, his license lapses or he changes to inactive status, this will not count towards completion of the mentoring plan period. The Mentor will be a licensed Oregon Chiropractic physician chosen by the Board who will sign a personal services contract with the Licensee for this service. The calculation of time for the mentoring plan will begin with the initial visit with the Mentor (April 9, 2015). The mentoring plan will focus on improved
- 2 STIPULATED FINAL ORDER (Paul Okamoto, D.C., Case No. 2014-1034)

documentation procedures, examination procedures, and appropriate clinical justification for treatments rendered and will ensure compliance with current statutes and rules and address all issues identified in the proposed notice of discipline.

The Mentor will be responsible to review charts and report any findings to the Board that are appropriate. The Mentor will perform file pulls and reviews of records and billings of Licensee's case work and make periodic reports to the Board on Licensee's progress at meeting minimum standards of chiropractic health care. Licensee agrees to cooperate with the mentoring agreement and must allow the Mentor to enter Licensee's business premises to examine and review Licensee's patient or other records to determine compliance with the terms of this Order for the duration of this mentoring plan. If the Mentor requests, and with the patient's agreement, Licensee will allow the Mentor to observe a patient encounter. As part of their periodic reports, the Mentor may at any time pull patient files for the Board's review. In addition, Licensee agrees that the Board, or its representative, will also request files be pulled during this two year period to review Licensee's compliance with the mentoring requirements. These file pulls will occur no more than twice a year during the mentoring period.

The financial compensation for the mentoring doctor will be at Licensee's expense which will be due and payable to the Mentor. The Mentor will provide periodic billings for services to Licensee, who will send payment for those services to the Board, who will in turn, forward those payments to the Mentor. This will assure that mentoring is occurring. It will be Licensee's responsibility to stay current with his mentor fees. The hourly rate will be determined by the Mentor in agreement with the Licensee, plus mileage at the state rate. Successful completion of the mentoring plan also requires this financial obligation be met. Failure of Licensee to fully cooperate with the Mentor and the mentoring plan will be grounds for future disciplinary action.