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BEFORE THE  
BOARD OF CHIROPRACTIC EXAMINERS  
STATE OF OREGON

In the Matter of )  
 )  
 ) FINAL ORDER  
 ) (DEFAULT)  
BECKY RASKIN, D.C., )  
 )  
Licensee. )  
\_\_\_\_\_ )

1. By notice of proposed action dated, June 11, 1998, the Oregon Chiropractic Examining Board (OBCE) commenced this proceeding to impose sanctions upon its licensee, Becky Raskin, (Licensee) for certain alleged violations of the Chiropractic Practice Act, ORS chapter 684.

2. The OBCE attempted to serve Licensee several times at her address on file with the Board.

3. Licensee was served on September 23, 1998.

4. In the notice, the Board informed Licensee that she must file with the OBCE within 21 days of mailing a written request for hearing and answer, otherwise she would waive her right to hearing and be presumed to have admitted all the OBCE's allegations of fact.

5. Licensee failed to file any request for hearing or any answer to the notice. Licensee thereby waived her right to hearing and admitted the OBCE's allegations of fact.

**THEREFORE THE BOARD FINDS:**

Licensee violated OAR 811-035-0015(20) in that Licensee failed to cooperate with the OBCE during the course of an investigation as is set forth as follows:

On January 8, 1998, the OBCE received a complaint that Dr. Becky Raskin had failed to release copies of patient AA's medical records after a written and verbal request was made.

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The OBCE requested and received copies of the patient records. The OBCE reviewed the files at the March 19, 1998, executive meeting and had concerns regarding history, documentation of examination, findings and diagnostics of Licensee. The OBCE directed the investigator to randomly select three additional patient files and documents of Licensee and to submit the case to Peer Review.

On or about March 26, 1998, the OBCE investigator called Licensee to schedule a meeting select files for him to copy. Licensee told the investigator that Licensee wanted the advice of an attorney, and that Licensee would call the investigator after obtaining that advice. Licensee did not call he investigator. The OBCE did not receive any verbal or written communication from Licensee.

**THEREFORE THE OBCE ORDERS:**

Licensee's license is suspended indefinitely.  
Licensee shall pay the costs of this disciplinary proceeding in the amount \$506.

DATED this 16 day of December, 1998

Board of Chiropractic Examiners  
State of Oregon  
Original signature on file  
at the OBCE office.  
Dave McTeague  
Executive Director

AMG:  
raskin.GEN04335



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2 4.

3 On or about March 26, 1998, the OBCE investigator called Dr. Raskin by  
4 telephone to make arrangements to meet for the purpose of selecting files to  
5 be copied. Licensee told the investigator that Licensee wanted the advice of  
6 an attorney, and that Licensee would call the investigator after obtaining the  
7 advice of an attorney. The investigator has yet to receive a return call from  
8 Licensee to date.

9 5.

10 Between March 26, 1998, and April 15, 1998, the investigator called  
11 Licensee by telephone several times and left messages for Licensee to call the  
12 OBCE office. On April 15, 1998, the investigator left his business card at  
13 Licensee's office (home) address with a message to call the OBCE. On April 20,  
14 1998, the investigator mailed a letter to Licensee requesting Licensee to  
15 contact the OBCE for the purpose of continuing the investigation. The letter,  
16 mailed by certified mail, and was received by Licensee on April 24, 1998. The  
17 OBCE investigator called the Licensee on May 4, 1998, May 5, 1998, May 6,  
18 1998, May 13, 1998, May 19, 1998, and May 20, 1998 each time the investigator  
19 left a message on Licensee's answering machine requesting Licensee to call the  
20 investigator. To date the OBCE has not received any verbal or written  
21 communication from the Licensee since the March 26, 1998, telephone  
22 conversation described above.

23 6.

24 The conduct described in paragraphs 4 and 5 above constitute a violation  
25 of OAR 811-035-0015 (20) in that Licensee failed to cooperate with the OBCE  
26 during the course of an investigation. The OBCE proposes to suspend the  
27 chiropractic license of Licensee indefinitely. The suspension shall continue  
28 until the OBCE determines that Licensee is cooperating with the investigation.

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Pursuant to ORS 684.100 (9) (g), the OBCE proposes to assess the costs of this disciplinary proceeding against Licensee.

8.

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 21 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 the 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.

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2 If Licensee fails to request a hearing within 21 days, or fails to  
3 appear as scheduled at the hearing, the OBCE may issue a final order by  
4 default and impose the above sanctions against Licensee. Licensee's  
5 submissions to the OBCE to-date regarding the subject of this disciplinary  
6 case and all information in the OBCE's files relevant to the subject of this  
7 case automatically become part of the evidentiary record of this disciplinary  
8 action upon default for the purpose of proving a prima facie case.  
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11 DATED this 11 day of June, 1998  
12 Board of Chiropractic Examiners  
13 State of Oregon

14 Original Signatures are on file in OBCE office

15 \_\_\_\_\_  
16 Dave McTeague,  
17 Executive Director