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**BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON**

6 In the Matter of)
7)
8 Steven J. Ross, D.C.) STIPULATED FINAL ORDER
9)
10)
11)
12 Licensee.) Case # 99-2001
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17 The Board of Chiropractic Examiners (Board) is the state agency responsible for licensing,
18 regulating and disciplining chiropractic physicians in the State of Oregon. Steven J. Ross, D.C.
19 (Licensee), is licensed by the Board to practice as a chiropractic physician in the State of Oregon.
20 On August 11, 2000 the Oregon Board of Chiropractic Examiners served a Notice of Proposed
21 Disciplinary Action against Licensee.

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23 1.

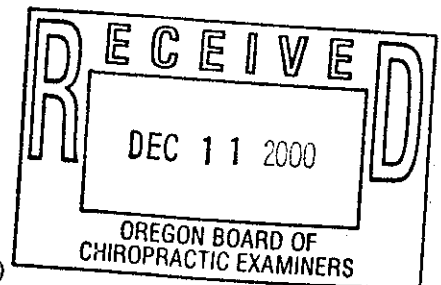
24 Licensee and the Assistant Attorney General have discussed a proposed stipulation of discipline
25 from the Licensee. The Oregon Board of Chiropractic Examiners has reviewed, considered and
26 discussed Licensee's settlement proposal and accepted it.
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29 2.

30 In order to informally dispose and settle this matter, Licensee and the OBCE, by and through
31 Dave McTeague, Executive Director of the OBCE, agreed to settle this matter and have agreed
32 upon the facts set forth, the sanctions to be imposed and the basis for the OBCE Final Order in
33 this matter under ORS 183.415.
34

35 3.

36 On July 20, 2000, the Board considered and adopted the report of the Peer Review Committee
37 (Attachment 1) finding Licensee in violation of ORS 684.100(1)(g)(B) and OAR 811-010-0095
38 (2)(b) (Oregon Chiropractic Practice and Utilization Guidelines) for providing excessive and
39 possibly unnecessary care.
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4.

The Board makes the following findings of fact:

The Board finds that Licensee's record keeping on Patients 1 and 2 fell below the minimum standards in violation of ORS 684.155 (1)(a); OAR 811-015-0005(1), and (1)(a); and OAR 811-010-0095 (2)(b) (Oregon Chiropractic Practice and Utilization Guidelines) in that:

- A peer would be unable to read Licensee's chart and get an accurate picture of the condition of either of these patients at any point in time.
- Licensee repeatedly reports there is spasm and tenderness without the necessary qualitative or quantitative information to assess location, amount or cause.
- The repetitive use of the word spasm is inaccurate given that in both cases, there was never significant loss of range of motion reported.
- Licensee does not make a differentiation between the first and second motor vehicle accidents in either file. These patients appear to have been treated according to a schedule unaffected by their individual condition or response to treatment. Both patients were rescheduled for follow-up treatment after being treated April 20. Both were examined April 22, declared injured from the April 21, 1998 MVA, and retrospectively declared medically stationary from the November 29, 1997 MVA. There was no attempt to apportion type and amount of injury, which shows the lack of qualitative and quantitative information required.

5.

Conclusions of Law

Based on the findings of fact above, the Board makes the following conclusions of law:

The Licensee's record keeping on Patients 1 and 2 fell below the minimum standards in violation of ORS 684.155 (1)(a); OAR 811-015-0005(1), and (1)(a); and OAR 811-010-0095 (2)(b) (Oregon Chiropractic Practice and Utilization Guidelines).

6.

Stipulations

NOW THEREFORE, the Board and Licensee Stipulate and Agree that this disciplinary action may be concluded by the 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 a hearing pursuant to ORS 183.415(3).
3. Licensee waives his right to a hearing in this matter;
4. Licensee agrees that the Board will issue a Letter of Reprimand;

- 1 5. Licensee agrees to accept probation for one year, during which time Licensee is
2 required to allow the OBCE or its representative to periodically review Licensee's
3 patient records and chart notes. This includes review and photocopy of licensee's
4 patient records to ensure licensee complies with the requirements of ORS 684 and
5 OAR 811.
6 6. Licensee agrees to pay the disciplinary costs of this proceeding in the amount of
7 \$252.00.
8 7. **Licensee waives his right to appeal this Stipulated Final Order.**
9 8. This Stipulated Final Order memorializes the entire agreement between the Licensee
10 and the Board and supercedes all prior offers, negotiations or settlement discussions
11 regarding this matter.
12 9. The Board and Licensee stipulate to the above facts and agree that this disciplinary
13 action may be concluded by the entry of the following order:

14 7.
15 Order

16
17 NOW THEREFORE, pursuant to the above Findings of Fact and Conclusions of Law and
18 Stipulations:

- 19 1. Licensee Stephen J. Ross is on a one year probationary period from the date this order
20 is signed;
21 2. During the probationary time, licensee will allow visits by OBCE or its representatives
22 who shall have full access to Licensee's business premises to examine, review and
23 photocopy Licensee's patient records and record keeping processes.
24 3. During the probationary time, Licensee will allow review by OBCE or its
25 representatives who shall have access to those files as noted above;
26 4. Licensee shall pay costs in the amount of \$252.00.
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28 THIS STIPULATED FINAL ORDER sets forth the entire agreement and stipulation of
29 the parties to resolve this matter.
30

31 I have read and I understand all of the above Stipulated Final Order and fully agree to its
32 terms: IT IS SO STIPUALTED this 11 day of November, 2000.
33

34 Original signatures on file at
35 the OBCE office.
36

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38 IT IS SO STIPULATED dated this 12th day of December, 2000.
39

40 OREGON BOARD OF CHIROPRACTIC EXAMINERS

41 Original signatures on file at
42 the OBCE office.
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By:
Dave P

**BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON**

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In the Matter of)
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Stephen J. Ross, D.C.) **NOTICE OF PROPOSED
DISCIPLINARY ACTION**
)
)
Licensee.) **Case # 99-2001**

The Board of Chiropractic Examiners (Board) is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Stephen J. Ross, D.C. (Licensee), is licensed by the Board to practice as a chiropractic physician in the State of Oregon. The Board proposes to discipline Licensee for the following reasons.

1.

In response to a complaint, the Oregon Board of Chiropractic Examiners directed the Peer Review Committee to review two of Licensees patient files and to address:

- 1. Do the subjective and objective records as presented for these patients meet the minimal standard for record keeping?
- 2. Is the treatment record sufficient to justify the treatment rendered?
- 3. Are the discrepancies between Dr. Ross and the IME physicians reporting of these patients' histories and subjective complaints sufficient to interview the patients?
- 4. Did the previous MVA cause injuries or effects in either patient that warrants review?

2.

Licensee was interviewed by the Peer Review Committee on March 9, 2000 regarding his treatment of Patient 1 and Patient 2 who were involved in the same two motor vehicle accidents (MVA), the first on November 29, 1997 and the second on April 21, 1998.

3.

On July 20, 2000, the Board considered and adopted the report of the Peer Review Committee (Attachment 1) finding Licensee in violation of ORS 684.100(1)(g)(B) and OAR 811-010-0095 (2)(b) (Oregon Chiropractic Practice and Utilization Guidelines) for providing excessive and possibly unnecessary care. The Board finds that the objective findings did not adequately define the injuries nor justify the amount or type of treatment provided in both these cases. Treatment provided should reflect the patient's condition and response to treatment. In the case of Patient 1

1 and Patient two, Licensee provided nearly identical treatment on the same days for the entire
2 length of care.

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4.

5 The Board finds that Licensee's record keeping on Patients 1 and 2 fell below the minimum
6 standards in violation of ORS 684.155 (1)(a); OAR 811-015-0005(1), and (1)(a); and OAR 811-
7 010-0095 (2)(b) (Oregon Chiropractic Practice and Utilization Guidelines) in that:

- 8 • A peer would be unable to read Licensee's chart and get an accurate picture of the
9 condition of either of these patients at any point in time.
- 10 • Licensee repeatedly reports there is spasm and tenderness without the necessary
11 qualitative or quantitative information to assess location, amount or cause.
- 12 • The repetitive use of the word spasm is inaccurate given that in both cases, there was
13 never significant loss of range of motion reported.
- 14 • Licensee does not make a differentiation between the first and second motor vehicle
15 accidents in either file. These patients appear to have been treated according to a schedule
16 unaffected by their individual condition or response to treatment. Both patients were
17 rescheduled for follow-up treatment after being treated April 20. Both were examined
18 April 22, declared injured from the April 21, 1998 MVA, and retrospectively declared
19 medically stationary from the November 29, 1997 MVA. There was no attempt to
20 apportion type and amount of injury, which shows the lack of qualitative and quantitative
21 information required.

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6.

25 Due to the aforementioned violations, the OBCE proposes to issue a Letter of Reprimand,
26 and place licensee on probation for two years, during which time Licensee is required to allow the
27 OBCE or it's representative to periodically review Licensee's patient records and chart notes.
28 This includes review and photocopy of licensee's patient records to ensure licensee complies with
29 the requirements of ORS 684 and OAR 811.

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33 Licensee shall pay costs of this disciplinary proceeding, including investigative costs and
34 attorney fees pursuant to ORS 684.100(9)(g).

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38 Licensee has the right, if Licensee requests, to have a formal contested case hearing before
39 the OBCE or its hearings officer to contest the matter set out above. At the hearing, Licensee
40 may be represented by an attorney and subpoena and cross examine witnesses. That request for
41 hearing must be made in writing to the OBCE, must be received by the OBCE within 30 days
42 from the mailing of this notice (or if not mailed, the date of personal service), and must be
43 accompanied by a written answer to the charges contained in this notice.

9.

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3 The answer shall be made in writing to the OBCE and shall include an admission or denial
4 of each factual matter alleged in this notice, and a short plain statement of each relevant
5 affirmative defense Licensee may have. Except for good cause, factual matters alleged in this
6 notice and not denied in the answer will be considered a waiver of such defense; new matters
7 alleged in this answer (affirmative defenses) shall be presumed to be denied by the agency and
8 evidence shall not be taken on any issue not raised in the notice and answer.
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11 10.

12 If Licensee requests a hearing, before commencement of that hearing, Licensee will be
13 given information on the procedures, rights of representation and other rights of the parties
14 relating to the conduct of the hearing as required under ORS 183.413-415.
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17 11.

18 If Licensee fails to request a hearing within 30 days, or fails to appear as scheduled at the
19 hearing, the OBCE may issue a final order by default and impose the above sanctions against
20 Licensee. Upon default order of the Board or failure to appear, the contents of the Board's file
21 regarding the subject of this automatically become part of the evidentiary record of this
22 disciplinary action upon default for the purpose of proving a prima facie case.
23

24 DATED this 11th day of August, 2000.

25
26 BOARD OF CHIROPRACTIC EXAMINERS
27 State of Oregon

28 Original signatures on file at
29 the OBCE office.

30 By:

31 D. J. ... , Executive Director
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Certificate of Service

I, Dave McTeague, certify that on 11 August 2000, I served the foregoing Notice of Proposed Disciplinary Action upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Stephen J. Ross, D.C.
Aloha Chiropractic Center
17325 SW Tualatin Valley Highway
Aloha, Oregon 97006

Original signatures on file at
the OBCE office.

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners