

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

| | | |
|------------------------------|---|---|
| In the Matter of |) | |
| |) | Case # 2000-1002 |
| CHRISTIAN K. SCHUSTER, D.C., |) | |
| |) | |
| Licensee. |) | NOTICE OF PROPOSED DISCIPLINARY ACTION |
| _____ | |) |

The Oregon Board of Chiropractic Examiners (hereafter "Board") is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Christian K. Schuster, D.C. (hereafter "Licensee"), is currently licensed by the Board to practice as a chiropractic physician in Oregon. The Board proposes to revoke the chiropractic license of Licensee based on the following:

1.

The OBCE received a complaint concerning chiropractic care provided by Licensee to patient PS on June 16, 1998. The OBCE thereafter conducted an investigation of this complaint. That resulted in a proposed notice of disciplinary action in case number 98-1010 issued on July 29, 1999.

2.

The Board, pursuant to ORS 684.100 and as part of its investigation in case number 98-1010 ordered Licensee to take the National Board of Chiropractic Examiner's (NBCE) Part IV **minimum** competency exam on May 14, 15, & 16th, 1999, for the purpose of determining Licensee's fitness to practice chiropractic in Oregon. That attached order was issued on January 27, 1999 and is hereby incorporated as Exhibit 1.

3.

Licensee took the examination on May 14-16, 1999. Licensee did not pass the exam. Attached herein as Exhibit 2 are the test results of July 9, 1999 which indicate Licensee received a score of 155. Passing score is 375 (75%). The "Part IV Score Breakdown/Comparison Report" also provided to Licensee by NBCE stated, "On Case Management (CAM), which included Case History, Ortho/Neuro and Post-Encounter Probe (PEP) stations, you scored substantially below a 75% performance level.

4.

During investigation of case number 98-1010, and after not passing the May exam, licensee indicated on August 17, 1999, in a letter to the Board, "I intend to retake the National Board Test in November 1999 as asked for."

5.

As of the date of this notice, Licensee has not taken the National Board of Chiropractic Examiner's (NBCE) Part IV competency exam since May 1999. Licensee has failed to achieve a passing grade on the NBCE Part IV competency exam. This is in violation of OAR 811-010-0089(3) which states: "*Failure to achieve a passing grade on any competency examination shall constitute grounds for suspension or revocation of examinee's license by the Board.*"

6.

The Board finds that the acts and conduct of Licensee described above violated ORS 684.100(1)(g), (q), and/or, OAR 811-035-0015, and/or OAR 811-010-0089(3).

7.

The Board proposes to revoke Licensee's chiropractic license due to the aforementioned violations.

8.

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

9.

NOTICE OF RIGHT TO A HEARING

Licensee has the right, if Licensee requests, to a hearing as provided by the Administrative procedures Act (ORS Chapter 183) before the Board or its hearing officer to contest the matter set out above. At the hearing, Licensee may be represented by an attorney, and may subpoena and cross-examine witnesses. A request for hearing must be made in writing to the Board, and must be received by the Board within 21 days from the date of 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. Upon receipt of a request for hearing, the Board will notify licensee of the time and place of the hearing. If Licensee requests a hearing, Licensee will be given, prior to the commencement of the hearing, information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing as required by ORS 183.413(2).

10.

Licensee's answer shall be made in writing to the Board 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 shall be presumed admitted; failure to raise a particular defense in the answer will be considered a waiver of such defense; and 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 fails to request a hearing within 21 days, or fails to appear as scheduled at the hearing, the Board 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 case automatically becomes part of the evidentiary record of this disciplinary action for the purpose of proving a prima facie case. ORS 183.415(6).

DATED this 24th day of January, 2000.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signatures on file at
the OBCE office.

By:

Dave McTeague, Executive Director

VERIFICATION

State of Oregon)
County of Marion) Case # 2000-1002

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.

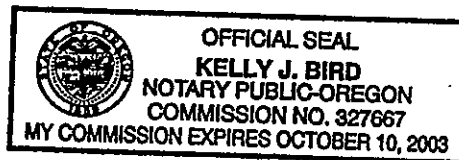
Original signatures on file at the OBCE office.

DAVE McTEAGUE, EXECUTIVE DIRECTOR
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me
this 24th day of January, 2000.

Original signatures on file at the OBCE office.

NOTARY PUBLIC FOR OREGON
My Commission Expires: 10/10/03



CERTIFICATE OF SERVICE

I, Dave McTeague, certify that on January 24, 2000, I served the foregoing Notice of Proposed Revocation of License upon CHRISTIAN K. SCHUSTER, DC, the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Christian K. Schuster, DC
932 NE 9th St.
Bend, Oregon 97701

James D. Vick, AAL (hand-delivered)
698 12th St. SE
Salem, Oregon 97301

Original signatures on file at
the OBCE office.

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)

CHRISTIAN K. SCHUSTER, DC)
Case # 98-1010)

ORDER FOR COMPETENCY
EXAMINATION

1.

The State of Oregon Board of Chiropractic Examiners (OBCE) is the state agency responsible for licensing and disciplining chiropractic physicians in Oregon. Christian Schuster, DC, is a licensee of the OBCE, who practices in Bend, Oregon.

2.

The OBCE received a complaint concerning chiropractic care provided to patient P.S.. on June 16, 1998 expressing concerns regarding the diagnosis and treatment of her condition.

3.

At the request of the OBCE, the OBCE investigator visited Dr. Schuster's office on October 19, 1998 for the purpose of obtaining three more representative patient files.

4.

On December 17th, the OBCE's Peer Review Committee interviewed Dr. Schuster, and reviewed the four patient files.

5.

On January 21, 1999, the OBCE reviewed the Peer Review Committee's report and accepted the committee's recommendation that licensee be tested by the National Board of Chiropractic Examiners as part of the continuing investigation.

6.

Pursuant to the authority granted in ORS 684.100 (7), the OBCE orders Christian Schuster, DC to take the National Board of Chiropractic Examiner's Part IV test on May 14, 15, & 16th, for the purpose of determining Dr. Schuster's competency to practice chiropractic with reasonable skill and safety to patients. The examination will be at Dr. Schuster's expense.

7.

The OBCE orders Dr. Schuster to cause to make available to the OBCE unofficial and official results of the examination at the earliest opportunity.

IT IS SO ORDERED this 27th day of January, 1999.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

B: Original signatures on file at
the OBCE office.

Dave McTeague
Executive Director