

Licensee had a romantic relationship with yet a different patient. Licensee left employment within 10 days after the complaint was filed with the Board.

5.

Investigation into this complaint showed that Patient 1 was a patient of Chiropractic Physician 1 where Licensee worked for many years. She learned that Licensee made unauthorized disclosure of her protected health information to another patient, Patient 2. Patient 2 is a friend of Patient 1 but knowing her information was provided to another patient without her authorization upset Patient 1 greatly. Patient 1 worried about the potential of identity theft.

Patient 2 has also been treated with Chiropractic Physician 1 for many years. Patient 2 said he and Licensee "hit it off" and they began to date sometime in early 2006. Patient 2 said that Chiropractic Physician 1 was not aware that he and Licensee were dating until the events in question occurred. Licensee moved into Patient 2's home in June 2006 and borrowed \$3000 from him. Licensee divulged private patient information of other patients in the practice to Patient 2 while she lived with him. Licensee divulged private patient information to Patient 2 about Patient 1. Licensee still owes Patient 2 the sum of \$2600 for the money she loaded from him.

6.

On March 22, 2007, a Notice of Proposed Revocation of Certificate was served on Licensee via certified mail. On March 23, 2007 a return receipt certified notification was received by the Board. The sixty days in which to request a hearing expired on May 21, 2007. Licensee has not requested a hearing and is in default.

CONCLUSIONS OF LAW

7.

The Board finds that the acts and conduct of Licensee in her renewal and responses to such, are cause to revoke the certificate. The misrepresentations in the responses to questions regarding criminal convictions is evidence of fraud or misrepresentation in applying for or procuring a certificate; in violation of **OAR 811-010-0110(14)(b)**. In addition, the Board may also revoke or deny a certificate for conviction of a misdemeanor involving moral turpitude or a felony pursuant to **OAR 811-010-0110(14)(c)**. The Board finds that a felony conviction for aggravated theft is a crime involving moral turpitude.

The Board also finds that the conduct of Licensee while employed with Chiropractic Physician 1 to be in violation of ORS 684.100(1)(g)(A), (1)(d), OAR 811-035-0015(1)(b), (8), (11), 811-010-0110(1)(a) and (c). (Sexual relationship with a patient, divulging confidential information of patient's to others, borrowing money from a patient and unprofessional conduct)

ORDER

8.

Based on the above findings of fact and conclusions of law, the Board hereby revokes the certificate issued to Licensee from this date forward. Licensee may no longer practice as a Certified Chiropractic Assistant in the State of Oregon. This is effective upon final order signature.

DATED this 23rd day of May 2007.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By: Original Signatures on file
at the OBCE Office

Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

A party is entitled to judicial review of the Final Order. Judicial review is by the Oregon Court of Appeals pursuant to the provisions of ORS 183.482. Judicial review may be obtained by filing a petition for review with the Office of State Court Administrator, Supreme Court Building, Salem, Oregon 97310. ORS 183.482 requires that an appeal is requested by filing a petition in the Court of Appeals within 60 days following the date the order upon which the petition is based is served.

State of Oregon) Case # 2006-1053, 2006-1057
County of Marion) Cheri Barry, CCA

I, Dave McTeague, being first duly sworn, state that I am the Executive Director of the Oregon Board of Chiropractic Examiners, and as such, am authorized to verify pleadings in this case: and that the foregoing Notice of Proposed Revocation of Certificate is true to the best of my knowledge as I verily believe.



Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

SUBSCRIBED AND SWORN to before me

This 23 day of May, 2007

Original Signatures on file
at the OBCE Office

NOTARY PUBLIC FOR OREGON

My Commission Expires: 11-5-08



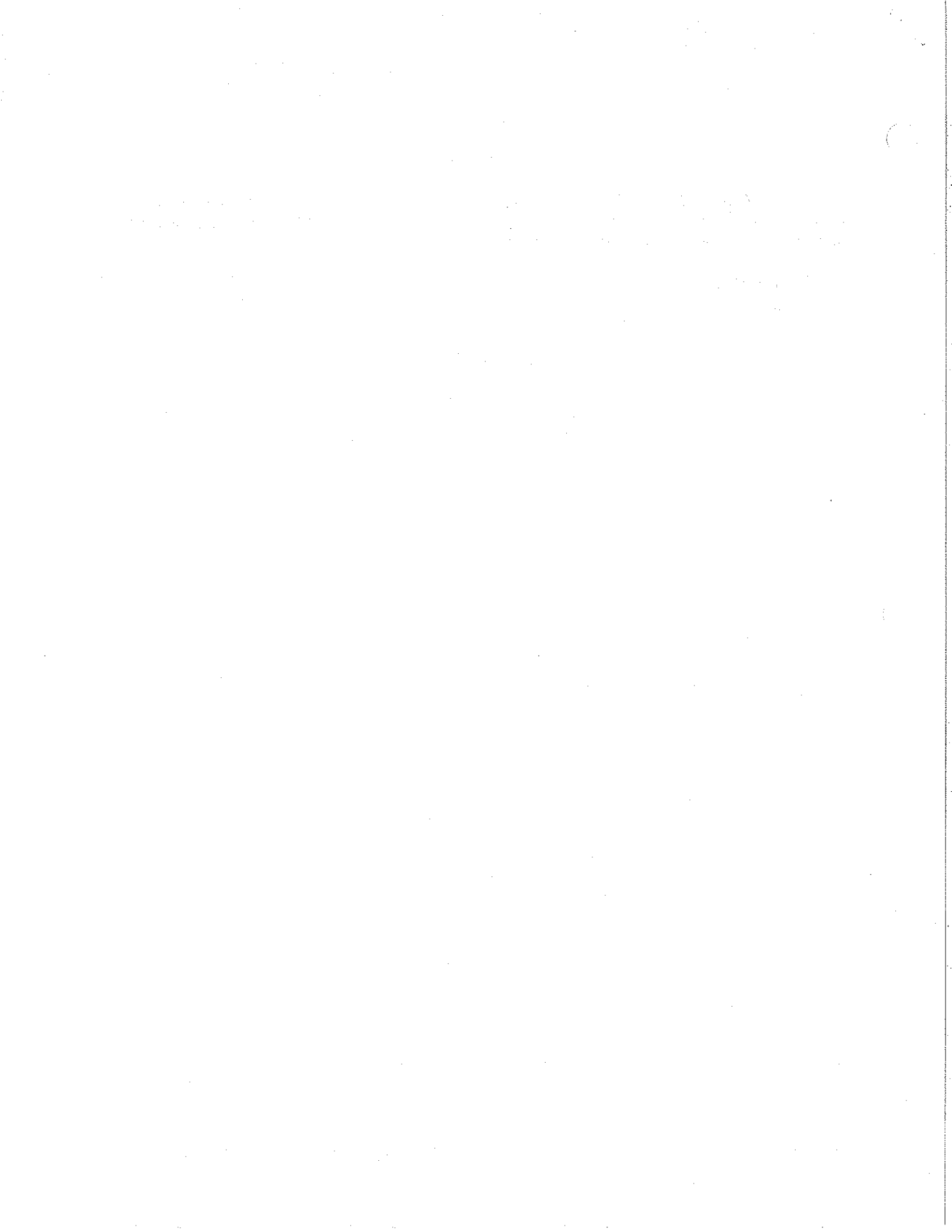
Certificate of Service

I, Dave McTeague, certify that on May 23, 2007, I served the foregoing Final Order by Default (Revocation) upon the party hereto by mailing, certified mail AND regular mail, postage prepaid, a true, exact and full copy thereof to:

Cheri Barry, CCA
1642-B, 22nd Avenue
Forest Grove, Oregon 97116

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
Cheri Berry, CCA

)
) Case # 2006-1053, 2006-1057
)
)
) **NOTICE OF PROPOSED**
) **REVOCAION OF CERTIFICATE**
)

The Oregon Board of Chiropractic Examiners (hereafter "Board" or "OBCE") is the state agency responsible for licensing, regulating and disciplining chiropractic physicians and certified chiropractic assistants in the State of Oregon. Cheri Berry (hereafter "CCA"), is a licensed certified chiropractic assistant in Oregon. The Board proposes to revoke the certificate of the above Licensee on the following basis:

1.

On October 18, 2005 the OBCE received CCA's renewal for her certification as a certified chiropractic assistant in Oregon. On question five of the application where Licensee was asked if she had ever been arrested or charged with a violation, misdemeanor or felony, Applicant responded no.

2.

On question 7 of the renewal where it asks if they have ever been convicted of, pled guilty, or no contest to any offense, misdemeanor or felony which could have resulted in imprisonment, Applicant responded no.

3.

Board staff followed up and found that Licensee had been arrested on July 19, 1991 for aggravated theft in the first degree. She was indicted in 1992 and pled no contest on September 25, 1997. She was put on probation, required to serve 10 sanctions units in the jail and ordered to pay \$18,325.00 in restitution. The aggravated theft charge was a felony. Clearly when responding to the questions in the renewal form, Licensee knew she had a felony conviction and arrest.

4.

The Board also had a separate complaint filed in September 2006 indicating that Licensee had released private patient information of one patient to a former employee and had released private patient information on one patient to another. In addition, the complaint stated that

Licensee had a romantic relationship with yet a different patient. Licensee left employment within 10 days after the complaint was filed with the Board.

5.

Investigation into this complaint showed that Patient 1 was a patient of Chiropractic Physician 1 where Licensee worked for many years. She learned that Licensee made unauthorized disclosure of her protected health information to another patient, Patient 2. Patient 2 is a friend of Patient 1 but knowing her information was provided to another patient without her authorization upset Patient 1 greatly. Patient 1 worried about the potential of identity theft.

Patient 2 has also been treated with Chiropractic Physician 1 for many years. Patient 2 said he and Licensee "hit it off" and they began to date sometime in early 2006. Patient 2 said that Chiropractic Physician 1 was not aware that he and Licensee were dating until the events in question occurred. Licensee moved into Patient 2's home in June 2006 and borrowed \$3000 from him. Licensee divulged private patient information of other patients in the practice to Patient 2 while she lived with him. Licensee divulged private patient information to Patient 2 about Patient 1. Licensee still owes Patient 2 the sum of \$2600 for the money she loaded from him.

6.

The Board finds that the acts and conduct of Licensee in her renewal and responses to such, are cause to revoke the certificate. The misrepresentations in the responses to questions regarding criminal convictions is evidence of fraud or misrepresentation in applying for or procuring a certificate; in violation of **OAR 811-010-0110(14)(b)**. In addition, the Board may also revoke or deny a certificate for conviction of a misdemeanor involving moral turpitude or a felony pursuant to **OAR 811-010-0110(14)(c)**. The Board finds that a felony conviction for aggravated theft is a crime involving moral turpitude.

The Board also finds that the conduct of Licensee while employed with Chiropractic Physician 1 to be in violation of ORS 684.100(1)(g)(A), (1)(d), OAR 811-035-0015(1)(b), (8), (11), 811-010-0110(1)(a) and (c). (Sexual relationship with a patient, divulging confidential information of patient's to others, borrowing money from a patient and unprofessional conduct)

7.

NOTICE OF RIGHT TO A HEARING

Licensee has the right, if applicant requests, to a hearing as provided by the Administrative procedures Act (ORS Chapter 183) before the Office of Administrative Hearings 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 60 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 applicant of the time and place of the hearing. If a hearing is requested, applicant 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).

8.

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 applicant 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.

9.

If Licensee fails to request a hearing within 60 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 applicant. 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 21st day of March 2007.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By: Original Signatures on file
at the OBCE Office
Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

State of Oregon

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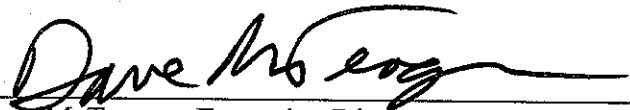
Case # 06-1053, 06-1057

County of Marion

)

~~Re.~~ Cheri Berry CCA

I, Dave McTeague, being first duly sworn, state that I am the Executive Director of the Oregon Board of Chiropractic Examiners, and as such, am authorized to verify pleadings in this case: and that the foregoing Notice of Proposed Revocation of Certificate is true to the best of my knowledge as I verily believe.



Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

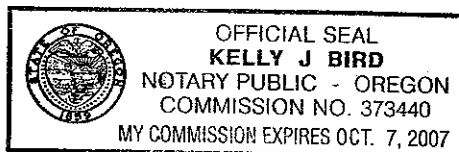
SUBSCRIBED AND SWORN to before me

This 21st day of March, 2007

Original Signatures on file
at the OBCE Office

NOTARY PUBLIC FOR OREGON

My Commission Expires: 10-7-07



Certificate of Service

I, Dave McTeague, certify that on March 21, 2007, I served the foregoing Notice of Proposed Disciplinary Action upon the party hereto by mailing, certified mail AND regular mail, postage prepaid, a true, exact and full copy thereof to:

Cheri Barry, CCA
1642-B, 22nd Avenue
Forest Grove, Oregon 97116

Original Signatures on file
at the OBCE Office

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners

