

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

In the Matter of the License of)
GERARD BERARDI, D.C.) STIPULATION and ORDER
Licensee.)

1.

Gerard Berardi (Berardi) is a licensed chiropractic physician subject to the jurisdiction of the Oregon Board Chiropractic Examiners (Board), which is the state agency responsible for licensing and regulating chiropractic care in Oregon. The Board filed a Notice of Proposed Sanctions on October 18, 1991, concerning certain conduct of Berardi in his treatment of patients in 1989. Specifically, Berardi was alleged to have provided excessive and unnecessary treatment while maintaining incomplete records, or failed to obtain consultations or perform referrals consistent with standards of care of the profession.

2.

Berardi and the Board agreed to enter into the following Stipulation for the purpose of concluding the contested case proceeding initiated by the Board's Notice of Proposed Sanctions:

a. The Board has jurisdiction over the matters alleged in the Notice of Proposed Sanctions.

b. In the case of the two patients' care described in the Notice of Proposed Sanctions, the Board has ~~determined it has~~ *clj*

1 sufficient evidence to prove that he provided excessive and
2 unnecessary treatment and failed to maintain adequate patient
3 records. Such conduct constitutes violations of the Oregon
4 statutes and rules pertaining to chiropractic as alleged in the
5 Notice of Proposed Sanctions.

6 3.

7 In consequence of the Stipulation entered into herein, the
8 Board and Berardi agree that the following sanctions may be
9 entered against Berardi by the Board:

10 a. Assessment of a civil penalty in the amount of \$5,000,
11 of which \$2,500 is to be paid within 10 days of the signing of
12 this Stipulation by Berardi and the remaining balance of \$2,500
13 is to be paid within 180 days of the signing of this Stipulation
14 by Berardi.

15 b. Berardi is suspended from the practice of chiropractic
16 for a period of 90 days beginning 20 days from the date of the
17 mailing of this fully executed Stipulation to Berardi from the
18 Board, which suspension is stayed by the Board so long as Berardi
19 successfully completes the terms of probation enumerated in
20 paragraph c and pays the full civil penalty assessed in
21 paragraph a.

22 c. Berardi is to complete a one-year period of probation,
23 during which he agrees not to violate the Oregon rules and
24 statutes pertaining to the practice of chiropractic, and agrees
25 to complete 100 hours of community service in a non-chiropractic

26 / / / /

1 capacity, which must be first preapproved by the Board of
2 Chiropractic Examiners.

3 4.

4 Upon successful compliance with the terms of probation and
5 the civil penalty, Berardi's licensee will be fully reinstated
6 without additional limitation due to the terms of this
7 Stipulation and Order or the Notice of Proposed Sanctions.

8 5.

9 Berardi further agrees not to contradict the terms of this
10 Stipulation and Order in any statements, whether public or
11 private.

12
13 IT IS SO STIPULATED:

14
15 Original signature on file
16 at the OBCE office.

17 Gerard Berardi, D.C.

18 March 6 1992
19 Date

20 IT IS SO STIPULATED AND ORDERED:

21 Original signature on file
22 at the OBCE office.

23 Christie Joachim
24 Executive Director for
25 the Board of Chiropractic
26 Examiners

3/9/92
Date

Page

1

2

3