

1
2 **BEFORE THE**
3 **BOARD OF CHIROPRACTIC EXAMINERS**
4 **STATE OF OREGON**

5
6 In the Matter of)
7) FINAL STIPULATED
8 Ronald A. Clifton, D.C.) ORDER
9)
10)
11)
12 Licensee.) Case # 2006-3001
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15 The Board of Chiropractic Examiners (Board) is the state agency responsible for
16 licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Ronald A.
17 Clifton, D.C. (Licensee) is licensed by the Board to practice as a chiropractic physician in the
18 State of Oregon. The Board proposes to discipline Licensee pursuant to ORS 684.100(9) for the
19 following reasons.

20 **FINDING OF FACTS**

21 1.

22
23 The Oregon Board of Chiropractic Examiners received a complaint as to the independent
24 medical examination performed by Licensee on Patients 1 and 2 on May 25, 2006. This was an
25 IME on a mother and her two year old son. The complaint noted that the exam procedures
26 performed by Licensee on the child Patient 2 contained unnecessary detail and included exam
27 procedures that would be impossible to perform on a two year-old child. Physician-Patient
28 relationships were formed with these patients pursuant to OAR 811-010-0005.
29

30 2.

31
32 The examination and report from Licensee for Patient 2 included "upper and lower deep
33 tendon reflexes, upper and lower extremity sensory and motor examinations, measured rangers or
34 motion for all three areas of the spine, and a palpatory spinal examination noting tenderness."
35 The chart notes of Licensee described the child Patient 2 as relating the various symptoms to
36 Licensee directly and even rating his pain on a scale of 0 to 10. This includes range of motion
37 findings that were not measured, motor examinations that were not performed, cerebellar
38 function tests that were not performed, orthopedic examinations that were not performed and
39 detmatomal sensory tests that were not performed.
40

41 3.

42 Exam findings on the mother, Patient 1 were also noted. Patient 1 was eight months
43 pregnant at the time of the exam, yet Licensee failed to note the pregnancy instead stating "no

1 masses, tenderness, rigidity, or apparent bruits” in the abdominal region of Patient 1. Licensee
2 also notes Patient 1’s gait as normal and that all spinal rangers of motion were within normal
3 limits as compared to the fifth edition of the AMA guides. The complainant questioned the exam
4 procedures performed on Patient 1.
5

6 4.

7 In a letter dated June 30, 2006, Licensee wrote to an insurance carrier the following in
8 regards to Patient 2: “The heel to shin test was not performed, the dermatomal sensory testing
9 was not tested, the cervical compression tests were not performed, the gross thoracic muscle
10 testing was not performed and the Valsalva’s maneuver was not performed. The Iliac
11 compression test was not performed, and the Kemp’s test was not performed.”
12

13 During his interview with the Peer Review Committee, Licensee admitted that he did not
14 actually measure the range of motion findings reported in the exam as to Patient 2, the child. He
15 reported using observation to estimate the very specific ranges of motion.
16

17 5.

18 After review of the records provided to the IME examiner and the IME report generated
19 dated May 29, 2006, this Board as well as a group of Licensee’s chiropractic peers concludes that
20 Licensee could not have performed many of the tests that were in the report. The Peer Review
21 Committee noted that several tests were submitted for reimbursement that misrepresented what
22 actually occurred during the exam of Patient 2. It was also found that the examination performed
23 on Patient 2, the child was not consistent with the presentation of an infant or toddler regardless
24 of presenting complaints.
25

26 As to Patient 1’s exam and findings, the Peer Review Committee found that there were
27 questionable range of motion findings, as well as a failure of Licensee to report on her pregnant
28 condition.
29

30 The Peer Review Committee found that the exam findings, conclusions and/or opinions
31 of Patient 2 were called into question due to the facts above and that the report findings of
32 Licensee falls below the minimum accepted standards of practice of the chiropractic profession.
33

34 CONCLUSIONS OF LAW

35 6.

36 The Board finds that the above is in violation of ORS 684.100 (1)(a)(g) and OAR 811-
37 015-0005, and OAR 811-035-0015. The conduct is in violation in that the reports submitted by
38 Licensee for reimbursement misrepresented what actually occurred during the exams and the
39 treatment provided was contrary to the recognized standards of practice of the chiropractic
40 profession.
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STIPULATIONS

Therefore, pursuant to ORS 183.415(5) and ORS 684.100(9)(e) the OBCE orders:

1. The parties have agreed to enter this stipulated final order. Licensee agrees to the entering of this final order. Licensee agrees that he is aware of his right to a hearing with his attorney present to contest the charges and hereby waives that right and agrees to entry of this order. The signature of this order also waives any right to appeal. The parties wish to settle and resolve the above matter without further proceedings.
2. Licensee will agree to be reprimanded and have a Letter of Reprimand issued by the Board.
3. Licensee agrees to attend and complete six hours of board approved continuing education courses on record keeping and charting to occur within six months of signature of this final order. Licensee agrees to provide proof of attendance to the Board. Licensee agrees that these hours of continuing education are in addition to the education requirements of Licensee within his renewal period.

I have fully read and fully understand all of the above facts and agree to the above terms:

IT IS SO ORDERED effective last date signed below.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By: _____
Original signature on file
at the OBCE office.
Dave McTeague, Executive Director
Date: April 9, 2007

By: _____
Original signature on file
at the OBCE office.
Ronald A. Clifton D.C.
Date: 4/11/07

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STATE OF OREGON**

6 In the Matter of)
7)
8 Ronald A. Clifton, D.C.)
9)
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12 Licensee.)
13)
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NOTICE OF PROPOSED
LETTER OF REPRIMAND,
CONTINUING EDUCATION

Case # 2006-3001

15 The Board of Chiropractic Examiners (Board) is the state agency responsible for
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30 of Patient 2 were called into question due to the facts above and that the report findings of
31 Licensee falls below the minimum accepted standards of practice of the chiropractic profession.
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35 The above is in violation of ORS 684.100 (1)(a)(g) and OAR 811-015-0005, and OAR
36 811-035-0015. The conduct above is in violation in that the reports submitted by Licensee for
37 reimbursement misrepresented what actually occurred during the exams and the treatment
38 provided was contrary to the recognized standards of practice of the chiropractic profession.
39

40 7.

41 Due to the aforementioned violations, the OBCE proposes to issue a Letter of Reprimand
42 specifying the Board concerns, require attendance at a six hour continuing education course on

1 record keeping occurring within the six months the order becomes final. This education is in
2 addition to the requirements of Licensee within his renewal period.
3

4 8.

5 Licensee has the right, if Licensee requests, to have a formal contested case hearing
6 before the OBCE or its hearings officer to contest the matter set out above. At the hearing,
7 Licensee may be represented by an attorney and subpoena and cross examine witnesses. That
8 request for hearing must be made in writing to the OBCE, must be received by the OBCE within
9 30 days from the mailing of this notice (or if not mailed, the date of personal service), and must
10 be accompanied by a written answer to the charges contained in this notice.
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12 9.

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14 The answer shall be made in writing to the OBCE and shall include an admission or
15 denial of each factual matter alleged in this notice, and a short plain statement of each relevant
16 affirmative defense Licensee may have. Except for good cause, factual matters alleged in this
17 notice and not denied in the answer will be considered a waiver of such defense; new matters
18 alleged in this answer (affirmative defenses) shall be presumed to be denied by the agency and
19 evidence shall not be taken on any issue not raised in the notice and answer.
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21 10.

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23 If Licensee requests a hearing, before commencement of that hearing, Licensee will be
24 given information on the procedures, rights of representation and other rights of the parties
25 relating to the conduct of the hearing as required under ORS 183.413-415.
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27 11.


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29 If Licensee fails to request a hearing within 30 days, or fails to appear as scheduled at the
30 hearing, the OBCE may issue a final order by default and impose the above sanctions against
31 Licensee. Upon default order of the Board or failure to appear, the contents of the Board's file
32 regarding the subject of this automatically become part of the evidentiary record of this
33 disciplinary action upon default for the purpose of proving a prima facie case.
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12.

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

DATED this 22nd day of March, 2007.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By:  Original signature on file
at the OBCE office.
Dave McTeague, Executive Director

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State of Oregon) Case # 2006-3001
County of Marion) Ronald Clifton D.C.

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 Letter of Reprimand, Continuing Education is true to the best of my knowledge as I verily believe.

Original signature on file
at the OBCE office.

Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

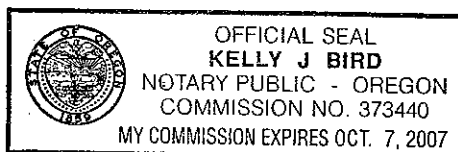
SUBSCRIBED AND SWORN to before me

this 21st day of March, 2007

Original signature on file
at the OBCE office.

NOTARY PUBLIC FOR OREGON

My Commission Expires: 10-7-07



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Certificate of Service

I, Dave McTeague, certify that on March 22, 2007, I served the foregoing Notice of Proposed Letter of Reprimand, Continuing Education upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Ronald Clifton, DC
Family Chiropractic Wellness Center
541 Park Street
Lebanon, Oregon 97355

Original signature on file
at the OBCE office.

Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners