

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

APR 8 2015

BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of)
) Case No. 1996- 1020
JAMES E. CORSTORPHINE, D.C.,)
) **AMENDED FINAL STIPULATED**
) **ORDER**
)
Licensee.)
_____)

1.

The Oregon Board of Chiropractic Examiners (hereafter "Board") is the state agency responsible for licensing and disciplining chiropractic physicians in Oregon. James E. Corstorphine, D.C. (hereafter "Applicant"), applied to be licensed by the Board.

2.

Applicant was previously licensed by the Board from 1993 through the year 2000. During that time period, Applicant was disciplined in case number 1996-1020 for standard of care issues. Applicant signed a stipulated order on February 3, 1999 and agreed to do the following:

1. Pay a civil penalty of \$500.
2. Pay the costs of \$1,236.10.
3. Be placed on probation for six months and take and successfully pass the NBCE SPEC exam and be suspended until passage.
4. Be subjected to random records reviews for 6 months.

In that Final Stipulated Order, there was some tolling language under paragraph 3 which stated that if Applicant left the State of Oregon, the requirements would be tolled.

In the year 2000, Applicant let his license lapse. As of July 31, 2000, Applicant had no Oregon Chiropractic license. Applicant did not fulfill the terms of his prior order.

3.

On December 11, 2014, Applicant filed his application to again become a licensed chiropractor with the Board. The Board reviewed his licensing qualifications and his prior discipline by the Board. The Board concluded that Applicant had not paid the civil penalties and the costs in the prior board action. The Board also determined that he had not completed the other requirements as he allowed his license to lapse.

4.

This matter having come properly before and been considered by the Board, and Applicant having voluntarily stipulated and consented to the issuance and entry of this order by signing below,

IT IS HEREBY ORDERED, pending further order by the Board, that:

- 1) Before Applicant shall be issued a license, he shall complete the following:
 - a) Pay a civil penalty of \$500;
 - b) Pay costs of \$1236.10;
 - c) Take and successfully pass the NBCE SPEC and Part IV exams and provide the test results to the Board.

Once Applicant has done the above, he agrees to enter into the following restrictions on his license:

- 2) Applicant will be put on six months' probation during which time Licensee is subject to the following conditions:
 - a) Applicant agrees that the Board can request patient files for review and agrees the Board, or it's representative, is authorized to enter Applicant's business premises to examine, review, and photocopy Applicant's patient or other records to determine compliance with the terms of this order and is subjected to random reviews by the OBCE of its patient files.

- b) Applicant shall take and complete a chart noting continuing education class during the term of the probation period of no less than 6 hours. This will be in addition to the education required for regular licensure.
- c) This order shall not preclude or prevent the Board from taking further action against Applicant for any matter not covered by this order or if, after further investigation, the Board preliminarily determines that the continued practice of chiropractic in Oregon by Applicant represents a serious danger to public health or safety.
- d) If Applicant leaves the State of Oregon or ceases to practice as a D.C. during that time period of probation, the probation is tolled along with the other requirements of this order.

Dated this 10th day of April, 2015.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signature on file in OBCE office

By: [Signature]
Cassandra C. Skinner, J.D., Executive Director

IT IS SO STIPULATED AND AGREED TO this 30th day of March,

2015. The undersigned waives any and all rights to a hearing and to challenge or appeal this order.

Original signature on file in OBCE office

[Signature]
James Corstorphine, D.C., Applicant

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BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of) CASE NO. 96-1020
JAMES E. CORSTORPHINE, D.C.) STIPULATED FINAL ORDER
Licensee.)
_____)

On April 25, 1998, the Oregon Board of Chiropractic Examiners (OBCE) issued to James E. Corstorphine, D.C. (Licensee), a Notice of Proposed Probation, Chart Reviews, Civil Penalty, Order to Take Competency Examination and License Suspension Upon Failure of Competency Examination (Notice). The Notice alleged that Licensee violated OAR 811-015-0005(1), and the Practice and Utilization Guidelines.

Licensee submitted a timely request for hearing, and on September 9, 1998, submitted an Answer to Notice of Proposed Probation, Chart Reviews, Civil Penalty, Order to Take Competency Examination and License Suspension Upon Failure of Competency Examination.

In order to informally dispose and settle this matter, Licensee and the OBCE, by and through Dave McTeague, Executive Director, agree to settle this matter through a stipulation and agree that this stipulation sets forth the facts upon which the parties have agreed, the sanctions to be imposed, and the basis for the OBCE's Final Order in this matter, under ORS 183.415.

///

1 Licensee and the OBCE agree to the following facts:

2 1.

3 On or about August 8, 1997, a Final Order of discipline
4 against Licensee was issued for an inadequate examination that
5 resulted from an improper diagnosis and treatment and from
6 Licensee's failure to keep adequate patient chart notes. The OBCE
7 issued a Letter of Reprimand to Licensee and required a random
8 review of selected patient chart notes for a period of one year.

9 The OBCE investigator randomly selected three patient files
10 of chart notes for the OBCE to review. The OBCE directed Peer
11 Review to review the files and report to the OBCE its findings.

12 2.

13 The Peer Review Committee reported to the OBCE the following:

14 2.1 File A. indicated that x-rays were taken. However, the
15 file did not contain an x-ray report. The file also indicated
16 that Licensee planned to do a reassessment of subjective and
17 objective findings after 14 days, however, at 52 no reassessment
18 of subjective and objective findings were contained in the file.

19 2.2 File B. was confusing. It contained history dates of
20 July 11, 1997, and September 11, 1997. However, there were no
21 treatment notes for July 11, 1997, or any date in between.
22 Licensee did not document a specific assessment or treatment plan.
23 Further, although Licensee noted x-rays were taken, there was no
24 report of the x-rays in the file.

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26 ///

1 2.3 File C. did not contain a documented treatment plan, or
2 a significant examination between January 24, 1995, through
3 September 29, 1997.

4 **CONCLUSION OF LAW**

5 Licensee engaged in unprofessional conduct and that Licensee
6 failed to keep adequate records of patients in violation of
7 OAR 811-015-0005(1) and the Practice and Utilization Guidelines.

8 **FINAL ORDER**

9 The OBCE and Licensee stipulate and agree that this
10 disciplinary action and the OBCE's investigation may be concluded
11 by the entry of this Stipulated Final Order upon the following
12 terms and conditions:

13 1. Licensee is hereby ordered to pay a civil penalty of
14 \$500.

15 2. Licensee is further ordered to pay the cost of this
16 disciplinary proceeding in the amount of \$ ~~493.80~~ ^{1,236.10} ~~1500.00~~.

17 3. Licensee is placed on probation for six months, within
18 which time Licensee is ordered to take the NBCE special
19 examination for competency (SPEC). If Licensee fails this
20 examination Licensee's license is suspended until Licensee
21 provides evidence of successful passage of the SPEC examination.

22 3.1 Successful passage by Licensee of an examination to
23 obtain licensure in another state will satisfy the Board's
24 requirement that Licensee provide evidence of successful passage
25 of the SPEC examination.

26 ///

1 3.2 The OBCE will waive the SPEC examination if Licensee's
2 chart notes meet the minimum acceptable standards during the six-
3 month probation.

4 3.3 Implementation of Paragraph 3 in this Final Order shall
5 be stayed beginning February 3, 1999 and continuing until Licensee
6 returns to the State of Oregon, at which time Licensee will
7 practice for six months under probation and in accordance with the
8 conditions set by the OBCE.

9 4. Licensee is ordered to allow the OBCE to conduct random
10 reviews and photocopying of selected patient chart notes during
11 the six-month probationary period.

12 5. The OBCE orders Licensee to notify the OBCE of any
13 change of address commencing with the execution of this document.

14 6. The OBCE shall report all portions of this Stipulated
15 Final Order to other state licensing boards.

16 7. Licensee agrees to waive all judicial review of this
17 Final Order under ORS 183.415(5).

18 This Final Order memorializes the entire stipulation and
19 agreement between the parties and supersedes any prior offers,
20 settlements or settlement discussions.

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1 I HAVE READ AND UNDERSTAND all of the above Stipulated Final
2 Order and fully agree to all of its terms.

3 IT IS SO STIPULATED this 32nd day of February,
4 1999.

Original signature on file
at the OBCE office.
JAMES E. CORSTORPINE, D.C.

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7 IT IS SO STIPULATED AND ORDERED this 11th day of
8 February, 1999.

9 BOARD OF CHIROPRACTIC EXAMINERS
10 State of Oregon

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

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1 BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS
2 FOR THE STATE OF OREGON
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4 In The Matter of)
5 James E. Corstorphine, D.C.,)
6 Licensee)
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9)
) NOTICE OF PROPOSED PROBATION,
) CHART REVIEWS, CIVIL PENALTY,
) ORDER TO TAKE COMPETENCY
) EXAMINATION AND LICENSE
) SUSPENSION UPON FAILURE OF
) COMPETENCY EXAMINATION

10 96-1020

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12 1.

13 The Oregon Board of Chiropractic Examiners (OBCE) is a state agency
14 responsible for licensing and regulating chiropractic in the State of Oregon. James
15 E. Corstorphine, D.C. (Licensee), is a licensed chiropractic physician subject to
16 the jurisdiction of the OBCE. The OBCE proposes to place Licensee on probation,
17 require Licensee to take a competency examination, suspend license upon failure to
18 pass competency examination, provide patients charts upon request, and impose a civil
19 penalty, pursuant to ORS 684.100 for unprofessional conduct described as follows:

20 2.

21 On or about August 8, 1997, a Final Order of discipline against Licensee was
22 issued for an inadequate examination that resulted from an improper diagnosis and
23 treatment and from Licensee's failure to keep adequate patient chart notes. The OBCE
24 issued a Letter of Reprimand to Licensee and required a random review of selected
25 patient chart notes for a period of one year.

26 3.
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1 The OBCE investigator randomly selected three patient files of chart notes for
2 the Board to review. The OBCE directed Peer Review to review the files and report to
3 the Board its findings.

4 4.

5 The Peer Review committee reported to the OBCE the following:

6 a. File A. indicated that X-rays were taken, however the file did not
7 contain an X-ray report. The file also indicated that Licensee
8 planned to do a reassessment of subjective and objective findings
9 after 14 days, however at day 52 no reassessment of subjective and
10 objective finding were contained in the file.

11 b. File B. was confusing. It contained history dates of July 11,
12 1997, and September 11, 1997, however there were no treatment
13 notes for July 11, 1997, or any date in between. Licensee did not
14 document a specific assessment or treatment plan. Further,
15 although Licensee noted that X-rays were taken, there was no X-
16 rays report in the file.

17 c. File C. did not contain a documented treatment plan, or a
18 significant examination between January 24, 1995, through
19 September 29, 1997,

20 5.

21 The conduct described above in paragraph 4 is unprofessional conduct in that
22 licensee failed to keep adequate records of patients in violation of OAR 811-015-
23 0005(1), and the Practice and Utilization Guidelines.

24 6.

25 The Board proposes to place Licensee on six months probation, randomly review
26 patient chart notes and files during probation, impose a \$500.00 civil penalty,
27 require Licensee to take the NBCE special examination for competency (SPEC) at the
28 earliest opportunity, and if Licensee fails this examination, then Licensee is

1 placed on suspension until Licensee provides evidence of successful passage of the
2 SPEC examination. The requirement to take the examination may be waived if
3 Licensee's chart notes meet the minimum acceptable standards during the six month
4 probation. Such examinations and requests for photocopies of patient chart notes
5 and file entries may not be refused by the Licensee.

6 7.

7 Pursuant to ORS 684.100 (9) (g), the OBCE proposes to assess the cost of this
8 disciplinary proceeding against licensee.

9 8.

10 Licensee has the right, if Licensee requests, to have a formal contested case
11 hearing before the OBCE or its hearings officer to contest the matter set out above.
12 At the hearing, Licensee may be represented by an attorney and subpoena and cross
13 examine witnesses. That request for hearing must be made in writing to the OBCE,
14 must be received by the OBCE within 21 days from the mailing of this notice (or if
15 not mailed, the date of personal service), and must be accompanied by a written
16 answer to the charges contained in this notice.

17 9.

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

25 10.

26 If Licensee requests a hearing, before commencement of that hearing, Licensee
27 will be given information on the procedures, rights of representation, and other
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1 rights of the parties relating to the conduct of the hearing as required under ORS
2 183.413-415.

3 11.

4 If Licensee fails to request a hearing within 21 days, or fails to appear as
5 scheduled at the hearing, the OBCE may issue a final order by default and impose the
6 above sanctions against Licensee. Licensee's submissions to the OBCE to-date
7 regarding the subject of this disciplinary case and all information in the OBCE's
8 files relevant to the subject of this case automatically become part of the
9 evidentiary record of this disciplinary action upon default for the purpose of
10 proving a prima facie case.

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13 DATED this 24th of April, 1998
14 Board of Chiropractic Examiners
15 State of Oregon

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17 _____
18 Dave McTeague,
19 Executive Director
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August 6, 1997

James E. Corstorphine, D.C.
344 SW 7th Street # D
Newport, Oregon 97365

Subject: Letter of Reprimand 1020-~~97~~ 96

The Board finds that your record keeping failed to have evidence of medical history or prior examination findings. Your failure to take x-rays resulted in an inadequate diagnosis and treatment. This is a violation of ORS 684.100.

The Board expects that all licensed professionals obey the statutes and administrative rules.

You have shown poor professional judgment in the above actions. The Board does not condone this behavior and will insert this letter of reprimand into your permanent record.

Your record will now show that you have been sanctioned for poor professional judgment. The Board sincerely hopes that you will not repeat this in the future.

Sincerely,

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director



3218 Pringle Rd SE
Ste 150
Salem, OR 97302-6311
(503) 378-5816



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ORDER

Dr. Corstorphine will be issued a letter of reprimand and for a period of one year patient files of the licensee shall be randomly reviewed.

The Board shall have the ability to periodically make unannounced visits to the business premises of Licensee as follows:

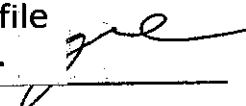
a. For the express purpose of examining, reviewing and photocopying Licensee's patient records and chart keeping notations.

b. Such examinations and request for photocopies of file entries may not be refused by Licensee.

c. The Board's representative shall be allowed full access to all patient files to review record keeping processes without refusal by Licensee.

DATED THIS 8 day of August 1997.
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

Original signature on file
at the OBCE office.


Dave McTeague, Executive Director

Notice: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.