

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	Case No. 99-3007
JOSEPH COX, DC)	
)	STIPULATED ORDER ESTABLISHING
Licensee.)	PLAN OF SUPERVISION
_____)	

1.

The Oregon Board of Chiropractic Examiners (hereafter "Board") is the state agency responsible for licensing and disciplining chiropractic physicians in Oregon. Joseph Cox, DC (hereafter "Licensee"), is licensed by the Board, and currently practices in Tigard, Oregon.

2.

The Board performed a two year re review of Licensee's records per a Stipulated Final Order entered into by Licensee on October 29, 1998. The Stipulated Order was agreed upon and as a result of a complaint concerning Licensee's charges per visit with particular regards to diagnostic codes and manipulation used. The OBCE thereafter conducted an investigation of this complaint. On October 29, 1998, Licensee executed a Stipulated Final Order including the following:

Licensee was placed on probation for six months during which time Licensee was subject to the following conditions:

- a) Completion of 12 hours of continuing education courses on charting and record keeping that are in addition to the annual required hours.
- b) Subjection to random reviews by the OBCE of it's patient files.

3.

In September 1999, the Peer Review Committee of the OBCE reviewed files submitted by Licensee of three patients per the stipulated order. The patient files were numbers 423, 439 and 443. The review by Peer Review into the conduct and activities of Licensee revealed the following:

- a) There were patient files of Licensee reviewed by the Board which failed to document a diagnosis.
- b) There were patient files of Licensee which included inappropriate use of the Evaluation and Management Codes.
- c) There were patient files of Licensee which lacked qualification and quantification of his examination findings.
- d) There were patient files of Licensee reviewed by the PRC which did not contain subjective complaints in described terms using the OPQRST or other system.
- e) There were patient files of Licensee which failed to include a treatment plan and;

4.

The Board finds that the acts and conduct of Licensee described above violated ORS 684.100(1)(g) (q); OAR 811-015-0005 (1), OAR 811-035-0005(2) and the Oregon Practice and Utilization Guidelines.

5.

Upon review of the above by the PRC, the board also recognizes Licensee is making an earnest effort to improve in his documentation skills, and understands that the records must improve. Licensee agreed there were many areas that were not documented with pertinent

information and as a portal of entry physician he has a duty to properly document the patient case for chiropractic care.

6.

This matter having come properly before and been considered by the Board, and Licensee 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:

- a) Licensee shall, at his expense, fully cooperate and participate with a Board approved Plan of Supervision, as described in Attachment 1 hereto, for a period of not less than one year, and not more than two years, to be determined by the Board.
- b) Licensee agrees the Board, or it's representative, is authorized to enter Licensee's business premises to examine, review, and photocopy Licensee's patient or other records to determine compliance with the terms of this order and is subjected to random reviews by the OBCE of his patient files.
- c) This order shall not preclude or prevent the Board from taking further action against Licensee 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 Licensee represents a serious danger to public health or safety.

Dated this 24th day of November, 1999.

BOARD OF CHIROPRACTIC EXAMINERS

State of Oregon

By: _____
Original signatures on file
at the OBCE office.

Dave McTeague, Executive Director

IT IS SO STIPULATED AND AGREED TO this 2nd day of NOVEMBER,

1999. The undersigned waives any and all rights to a hearing and to challenge or appeal this order.

Original signatures on file
at the OBCE office.

u
Joseph Cox, D.C. (AGREEMENT WITH THE
ENCLOSED AREAS OF
CLARIFICATIONS)

GEN25729

OBCE Plan of Supervision

Purpose: To achieve a more consistent intervention with a doctor subject to a disciplinary order imposing a period of probation. It is intended the supervised doctor will see the period of supervision as a constructive period and an opportunity to receive mentoring that could positively affect his/her practice of chiropractic. This plan has the potential to meet a real need a disciplined doctor has: *to have a better understanding of why the Board has imposed a disciplinary action, and to receive professional feedback on a consistent basis.*

The plan of supervision may be one of several features of a doctor's probationary period. The Board could still require a periodic chart review by Peer Review, however, it may wish to rely upon the reports of the supervising doctor in the first part of the probation.

Supervising Doctor: The Board, or the Executive Director in consultation with Board members, will locate and choose a currently licensed doctor to work with the supervised doctor. Criteria for selection include previous experience on board committees such Peer Review, other kinds of peer review, and professional qualifications. The supervising doctor should be a colleague within a reasonable distance. The supervising doctor must be recognized to have a thorough understanding of the requirements of the OAR and OCPUG. Any arrangement for financial compensation will have to be worked out between the supervising and the supervised doctor, although it is expected to be reasonable. The supervising doctor serves at the pleasure of the OBCE.

Supervision – How it works: The supervising doctor is given a copy of the Board's order, Peer Review report, and any other relevant information. The supervising doctor consults with the Board and Peer Review members to have a clear understanding of the situation and the Board's expectations. The Board may also give the supervising doctor specific instructions depending upon the case. The supervising doctor is appointed by and recognized as an agent of the OBCE and is covered by State of Oregon for liability for this purpose. The supervising doctor must consult with the Board concerning any questions concerning his/her role as they arise. The supervising doctor must fully understand and accept all the confidentiality requirements as they pertain to the OBCE. The supervising doctor must agree in writing to this arrangement with the OBCE.

The supervising doctor then meets with the supervised doctor to review the issues and establish a working relationship. Our expectation is that the supervising doctor would then meet with the supervised doctor an average of once a month, or more often if that is by mutual agreement. The meeting could last one to two hours, but no longer than three hours a month; unless the supervised and supervising doctor jointly agree that more time is needed. That meeting should include a review of selected patient cases as determined by the supervising doctor. That review should include an explanation to the supervised doctor of why any patient care or record keeping does or does not meet the requirements of the OAR and OCPUG. The supervising doctor should make a record of the supervised doctor's responses and progress towards addressing the issues identified in the Board's Final Order, or other related issues they arise.

The supervising doctor shall report to the Board at least once every three months with a report of findings regarding the doctor's progress towards addressing issues. If the supervising doctor finds continued and repeated violations of OAR and OCPUG, he/she should report that as well.

The Plan of Supervision shall last for the duration of the probationary period, unless the licensee and the OBCE have agreed to a different arrangement. Upon conclusion of the Plan of Supervision, the supervising doctor will be requested to provide a written evaluation of the supervised doctor, and of the benefits or problems with any Plan of Supervision.

Adopted by the Oregon Board of Chiropractic Examiners
May 20, 1999



Oregon

John A. Kitzhaber, M.D., Governor

Oregon Board of Chiropractic Examiners

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November 24, 1999

Attachment 2

Joseph B. Cox, DC
7160 S.W. Hazelfern Rd., Suite 500
Tigard, Oregon 97224

Re: Stipulated Order Establishing Plan of Supervision

Dear Dr. Cox,

In answer to your first question, you could request a different supervising doctor to work with you. Since the supervising doctor serves at the pleasure of the OBCE, he/she could be replaced. However, we will endeavor to select someone who is both highly qualified and good to work with. The Board has made clear the intent of the Plan of Supervision is to be a constructive period of mentoring that will positively affect your practice and bring you into compliance with the basic requirements of your profession.

As the information we sent you states: "Any arrangement for financial compensation will have to be worked out between the supervising and the supervised doctor, *although it is expected to be reasonable.*" We will write similar language into the agreement between the OBCE and the supervising doctor that all charges should be "reasonable and necessary". That way if you think the charges are unreasonable, you may raise that issue with the Board.

You might also note the parameters specified in the Plan of Supervision document indicating the Board's intention to have some clear sidebars on this process:

"Our expectation is that the supervising doctor would then meet with the supervised doctor an average of once a month, or more often if that is by mutual agreement. The meeting could last one to two hours, but no longer than three hours a month; unless the supervised and supervising doctor jointly agree that more time is needed."

There are no further costs to you in the stipulated agreement.

Enclosed is a copy of the signed Stipulated Order Establishing a Plan of Supervision. This letter will be marked Attachment 2 and included in the Order as it indicates agreement with your letter of November 2, 1999.

As we discussed, this order represents a departure from the traditional disciplinary approach. We ask that you take advantage of this opportunity.

Sincerely,

Original signatures on file
at the OBCE office.

Enclosure

