

1 BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS

2 FOR THE STATE OF OREGON

3 In the Matter of the License of)
4 Lloyd Cummings, DC)
5)

ORDER
NOTICE OF CIVIL PENALTY

6 1.

7 Lloyd Cummings (Cummings) is a chiropractic physician
8 subject to the jurisdiction of the Oregon Board of Chiropractic
9 Examiners (Board), which is the state agency responsible for
10 licensing and regulating chiropractic.

11 2.

12 Cummings began treating patient on August 4,
13 1988 and ended treatment on August 14, 1989. Cummings did not
14 change the type of treatment or the frequency of treatment in spite
15 of the fact there was only minute objective improvement at 90 days
16 of care and no subjective indication of improvement throughout.
17 Cummings failed to base his prognosis and treatment program on
18 objective indicators on which he should have relied, including the
19 patient's other health problems. In addition, services billed
20 often do not agree with Cummings chart notes: billing is for
21 ultrasound and chart notes reflect mechanical traction.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

20 0 7.

1
2 3.

3 The conduct described above in paragraph 2 constitutes
4 violations of ORS 684.100(1)(g)(A) and OAR 811-15-005(1) in that
5 Cummings incorrect chart notes and billings are contrary to the
6 recognized standard of ethics of the chiropractic profession and
7 violation of ORS 684.100(1)(g)(B) and OAR 811-15-010(1),(2) and (a)
8 in that Cummings administered unnecessary treatment and that
9 treatment continued to the same extent over a prolonged period of
10 time for a condition without favorable patient response.

11 4.

12 The Board assesses Dr. Cummings a civil penalty of \$2,000
13 payable within 10 days of receipt of this Order.

14 5.

15 You are entitled to a hearing as provided by the
16 Administrative Procedures Act (ORS ch 183). You may be represented
17 by counsel at the hearing. If you desire a hearing, you must notify
18 the Board in writing that you request a hearing within 21 days of
19 the date of mailing or service of this Notice to you. If a request
20 for a hearing is not received within this 21 day period, your right
21 to a hearing shall be considered waived unless excused for good
22 cause. Upon receipt of your request for a hearing, the Board will
23 notify you of the time and place of the hearing. If you request a
24 hearing, you may also request a stay of enforcement of the civil
25 penalty under paragraph 4, which may be granted for good cause
26 shown.

27 ///

28 ///

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
27
28

6.

If you request a hearing, you will be given information on the procedures, rights of representation and other rights of parties relating to the conduct of the hearing as required under ORS 183.413-415 before commencement of the hearing.

7.

If you fail to appear at a scheduled hearing, the Board may issue a final order by default imposing the above sanctions against you. Your submissions to the Board to date regarding the subject of this disciplinary case, and all information in the Board files relevant to the subject of this case, automatically become part of the evidentiary record of the case upon default for the purpose of proving a prima facie case.

8.

If you request a hearing, an answer to this Notice is requested, pursuant to OAR 811-01-010(2)(a) and (b). This 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 and plain statement of each relevant affirmative defense you may have. Except for good cause, factual matters alleged in the 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; 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.

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
27
28

DATED this 9 day of December, 1991.

Christie Joachim
Christie Joachim, Executive Director
Board of Chiropractic Examiners
for the State of Oregon



CUMMINGS CHIROPRACTIC CENTER

DR. LLOYD W. CUMMINGS
Chiropractic Physician
975 Market St. N.E.
Salem, OR 97301
Telephone: (503) 581-0873

Dear Ore. State Bd of Examiners:

Pursuant to your notice of civil penalty, endorsed you will find \$2,000. This is not to be construed as an admission of the charges which are specifically denied.

However, I cannot afford to defend myself and I perceive this payment as the lesser of two evils.

Sincerely
Lloyd W. Cummings, D.C.

RECEIVED

DEC 26 1991

Oregon Board of
Chiropractic Examiners

12-23-91

id ✓ #9139
L