



Oregon

Theodore R. Kulongoski, Governor

Oregon Board of Chiropractic Examiners

3218 Pringle Road SE, Suite 150

Salem, OR 97302-6311

(503) 378-5816

FAX: (503) 362-1260

E-mail: oregon.obce@state.or.us

www.oregon.gov/OBCE

January 3, 2008

Thomas Finch, DC
Rockwood Chiropractic Center
2190 SE 182nd Ave
Portland, OR 97233-5606

Re: **Complaint No: 2007-1037**
Final Order by Default, Letter of Reprimand

Dear Dr. Finch,

The OBCE is sending you this Letter of Reprimand. They reviewed your response to the complaint regarding your failure to release records upon written request, and failure to release records upon receiving a subpoena. Additionally, you did not appear in person for a scheduled hearing in lieu of providing your written records.

Your failure to timely respond has had a negative impact on this patient's life, through no fault of his own. As a chiropractic physician, it is your responsibility to ensure that your patient records are made available upon request in a timely manner (811-015-0006 (1)).

While we sympathize with your health concerns, these occurred at least seven months preceding the request for records in question. This was not an emergency absence from your practice, regardless of the location of the records in question. Your lack of response kept two attorneys and a former patient in limbo for over 90 days during a time-dependent litigation.

The Board requests you to consider the effects of your actions, or lack thereof, on your patients, the public and the chiropractic profession.

Sincerely,

Original signatures on file
at the OBCE office.

Dave McTeague
Executive Director

Enclosure



BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	FINAL ORDER BY DEFAULT
Thomas Finch, D.C.)	
License No; 1781)	
)	
Licensee.)	Case # 2007-1037
_____)

The Oregon Board of Chiropractic Examiners (hereafter "Board" or "OBCE") is the state agency responsible for licensing, regulating and disciplining chiropractic physicians and certified chiropractic assistants in the State of Oregon. Thomas Finch, D.C. (hereafter "Licensee"), is a licensed chiropractic physician in Oregon.

Findings of Fact

1.

Prior to June 2007, Licensee treated patient TT. Patient TT needed medical records and information from licensee in order to process a workers' compensation claim. From June through July 2007, attorneys working on behalf of Patient TT in the worker's compensation case subpoenaed records from Licensee and requested his appearance before the Workers' Compensation Board for a deposition. Licensee failed to appear for the deposition and did not respond to the subpoena for records. In addition, several voice mails and letters from the patient, the attorneys and others involved in the case went ignored by Licensee. In his response to this complaint, Licensee stated that he had some pressing health issues and finally provided the records on October 8, 2007, some 4 months later.

2.

On November 19, 2007, the Board sent to Licensee, a Notice of Proposed Disciplinary Action. Licensee signed the certified mail receipt on November 26, 2007. Licensee did not timely request a hearing within 30 days and is now in default.

Conclusions of Law

3.

The Board finds that Licensee's conduct as described herein constitutes unprofessional conduct. Licensee's practice, as described above, constitutes violations of ORS 684.100 (1)(g)(A) and (q); and OAR 811-015-0006 (1). Licensee's failure to respond to the attorneys subpoena and appear for a deposition is in violation of the above as well.

Order

4.

Due to the aforementioned violations, the OBCE issues discipline to Licensee in the form of a Letter of Reprimand due to the aforementioned violations. This is a disciplinary action and is attached herein.

Licensee is hereby reprimanded.

IT IS SO ORDERED this 3rd of January 2008.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signatures on file
at the OBCE office.

Dave McTeague
Executive Director

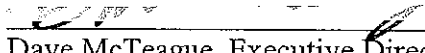
A party is entitled to judicial review of the Final Order. Judicial review is by the Oregon Court of Appeals pursuant to the provisions of ORS 183.482. Judicial review may be obtained by filing a petition for review with the Office of State Court Administrator, Supreme Court Building, Salem, Oregon 97310. ORS 183.482 requires that an appeal is requested by filing a petition in the Court of Appeals within 60 days following the date the order upon which the petition is based is served.

* * * * *

State of Oregon) Case # 2007-1037
County of Marion) Thomas Finch 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 Final Order by Default is true to the best of my knowledge as I verily believe.

Original signatures on file
at the OBCE office.



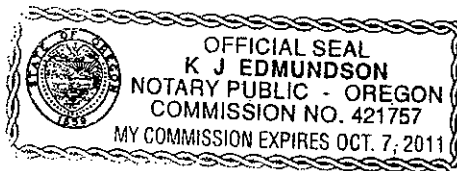
Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

SUBSCRIBED AND SWORN to before me

this 2nd day of January, ~~2007~~ 2008

Original signature on file
at the OBCE office.

NOTARY PUBLIC FOR OREGON
My Commission Expires: 10-7-2011



Certificate of Service

I, Dave McTeague, certify that on January 3, 2008, I served the foregoing Final Order by Default upon the party hereto by mailing, regular mail, postage prepaid, a true, exact and full copy thereof to:

Thomas Finch, DC
Rockwood Chiropractic Center
2190 SE 182nd Ave
Portland, OR 97233-5606

O/

**Original signatures on file
at the OBCE office.**

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners