



Oregon

Theodore R. Kulongoski, Governor

Oregon Board of Chiropractic Examiners

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March 24, 2006

Jack Fischer, DC
Bachelor Sports & Family Chiropractic
497 SW Century Drive, Building A
Bend, Oregon 97702

Re: Final Order by Default, Case # 2005-1044
Letter of Reprimand

Dear Dr. Fischer,

The Oregon Board of Chiropractic Examiners reviewed this complaint again at their March 16, 2006 meeting. They noted that you did not request a hearing, but they further considered the information provided. They voted to issue the enclosed Final Order by Default and this Letter of Reprimand.

The Letter of Reprimand is in regard to your failure to provide records to a patient in a timely manner, and failure to timely cooperate with the Board investigation into this matter. These are violations of ORS 684.100 (1)(g); OAR 811-035-0015(19) and (20) and 811-015-0006(1).

You are also assessed a \$1,000 civil penalty due and payable within 30 days.

If you have any questions you may contact me at 503-378-5816 extension 23.

Sincerely,

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director

Enclosure



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**BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON**

6 In the Matter of)
7) FINAL ORDER
8 Jack Fischer, D.C.) BY DEFAULT
9)
10)
11 Licensee.) Case # 2005-1044
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14 The Board of Chiropractic Examiners (Board) is the state agency responsible for
15 licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Jack
16 Fischer, D.C. (Licensee), is licensed by the Board to practice as a chiropractic physician in the
17 State of Oregon.

18 Statement of Facts

19 1.

20 In September 2005, a complaint was filed by a patient stating that she had received
21 treatment from Licensee and was attempting to resolve a motor vehicle accident claim through
22 her PIP carrier. In order to get her case resolved, Patient requested patient records from Licensee
23 be sent to her in September 2004 after one year of treatment. Patient requested records be sent
24 once a month for a year and as the statute of limitations for her claim got closer, she called more
25 often. Chart notes were not sent by Licensee. Patient was forced to hire an attorney and file a
26 lawsuit to protect her right to her claim, all without the records.
27

28 2.

29 A letter summarizing the complaint was sent to Licensee on October 4, 2005. In that
30 letter, his response was requested. Licensee failed to respond. A follow up letter dated
31 December 1, 2005 was also sent requesting the patient records be sent to the Board. Licensee
32 failed to respond.
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34 3.

35 Follow up telephone contact was made by Board staff on January 12, and 18, 2006 in
36 attempts to get a response from Licensee and/or the records. At the close of Business on January
37 18, 2006, Licensee faxed a letter to the Executive Director Dave McTeague. He stated that he
38 fell behind in his records and intended on completing them multiple times but had not done so.
39 He stated that the records would be sent to the patient the week of January 23, 2006. As of the
40 date the notice of discipline was issued, the Board has not received word from Patient that the
41 records have been received. (Subsequently, on January 31, 2006, Licensee provided a copy of

1 the patient file with a cover letter to patient's attorney dated January 6, 2006. Licensee also
2 responded to other requests for information prior to the OBCE's March 16, 2006 meeting.)
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4 4.

5 On January 24, 2006, the Board issued a Proposed Notice of Disciplinary action against
6 Licensee and served it by certified mail. The Board received confirmation on January 30, 2006
7 that Licensee received the notice of discipline. The Notice of Discipline indicated that a
8 response in 30 days was required in order to request a hearing and that the board file could be
9 used as prima facie evidence in cases of a default. To date, Licensee has not requested a hearing
10 and is currently in default.
11

12 Conclusions of Law

13 5.

14 The Board finds that Licensee's failure to provide records to a patient and failure to
15 cooperate with the Board investigation into this matter is a violation of ORS 684.100 (1)(g);
16 OAR 811-035-0015(19) and (20) and 811-015-0006(1).
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18 ORDER

19 6.

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21 Due to the aforementioned violations, the OBCE finds violations and issues a Letter of
22 Reprimand to Licensee to be placed in his board file. In addition, the Board requires Licensee to
23 pay a civil penalty in the sum of \$1000 to the Board within the next 30 days. Failure to make
24 timely payment may result in further discipline up to and including revocation.
25

26 DATED this 24th day of March 2006.
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28 BOARD OF CHIROPRACTIC EXAMINERS
29 State of Oregon

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31 Original signature on file
32 By at the OBCE office.
33 Dave McTeague, Executive Director
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Certificate of Service

I, Dave McTeague, certify that on March 24, 2006, I served the foregoing Final Order by Default upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Jack Fischer DC
Bachelor Sports & Family Chiropractic
497 SW Century Dr, Bldg A
Bend, Oregon 97702

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners

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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.

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