

1
2
3
4
5
6
7
8
9
10
11
12
13
14

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

6 In the Matter of)
7)
8 Larry Fleetwood, D.C.)
9)
10)
11)
12 Licensee.)
13)
14)

FINAL ORDER
BY DEFAULT
(INDEFINITE SUSPENSION,
CIVIL PENALTY)
Case # 2008-3007, 2008-5023

15 The Board of Chiropractic Examiners (Board) is the state agency responsible for
16 licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Larry
17 Fleetwood D.C. (Licensee), is licensed by the Board to practice as a chiropractic physician in the
18 State of Oregon.

19
20 Findings of Fact

21
22 1.

23
24 August 19, 2008: The OBCE received a complaint alleging Licensee has abandoned his practice
25 since January 2000 and had left patient files at that location.

26
27 August 20, 2008: The Board sent a letter to Licensee requesting a response and explanation of
28 his abandoned patient files. This was sent to his address of record at PO Box 20387 in Keizer,
29 Oregon. It was also e mailed to him. During that same time, when his active license was
30 renewed, the Board enclosed the same letter with his license and sent that on September 2, 2008.

31
32 September 2, 2008. The Board sent Licensee his license renewal certificate to his postal box
33 address. Included in that letter was the Board's letter of August 19, 2008 requesting his response
34 to this complaint.

35
36 September 18, 2008: The Executive Director, Dave McTeague went to Licensee's residence at
37 6851 Jerdon Ct North, Keizer OR 97303. Mr. McTeague left his business card with a note to
38 contact him.

39
40 October 17, 2008: The Board again E mailed Licensee the same letter and provided it to three e
41 mail addresses that Licensee appeared to be associated with.
42

1 October 25, 2008: Board staff approached Licensee while he was playing guitar at a business in
2 Salem Oregon. The staff provided Licensee the letter and hand delivered it to him in person. In
3 that letter was an additional letter explaining that ignoring the Board's request for information
4 could result in discipline. The letter specifically warned that in similar cases the OBCE had
5 suspended the chiropractor's license for failure to cooperate with the investigation.
6

7 November 20, 2008: As of the signing of this order, Licensee has not responded to the letters that
8 were sent to him via mail, e mail or by personal delivery. Licensee has not responded to the
9 Board's letter requesting a response to the complaint.
10

11 2.

12 As set out in the preceding chronology, Licensee has failed to provide the Board with requested
13 information, failed to cooperate with the Board during an investigation, failed to make
14 chiropractic patient records available to patients and has failed to give prior notice to patients
15 with the permanent or temporary closure of his practice, and has failed to give reasonable access
16 to records.
17

18 3.

19 On November 24, 2008 a Notice of Proposed License Suspension was sent to Licensee at both
20 his OBCE address of record (P. O. Box 20387) Keizer, OR 97307-0387), his residential address
21 (6851 Jerdon Ct North, Keizer OR 97303) and his email address (doc@docfleetwood.com).
22 License did not respond to the Notice within 30 days and is thus in default.
23

24 4.

25 In his 2008 Licensee Renewal Notice and Affidavit signed on August 2, 2008, Licensee affirmed
26 that he had completed the required number of continuing education credits that the license
27 renewal required. The renewal application stated "I swear, and affirm that during the previous
28 license year, I completed the required number of CE credits for my license status and my
29 signature below verifies that all information hereon is true and correct." Licensee was required
30 to complete the required 20 hours of continuing education by August 31, 2008.
31
32

33 5.

34 On October 6, 2008, the Board sent Licensee a request for documentation for continuing
35 education as part of the annual random compliance audit to his address of record at PO Box
36 20387, Keizer, Oregon 97307. Licensee did not respond. The Board sent a follow-up letter on
37 November 12, 2008 requesting his response. To date no response has been received.
38

39 6.

40 On December 2, 2008, the Board sent Licensee a Notice of Proposed Civil Penalty for failure to
41 respond and/or to complete the CE within the time period required (are required by OAR 811-15-
42 0025 and ORS 684.092. The Notice was sent to Licensee at both his OBCE address of record

1 (P.O. Box 20387, Keizer, OR 97307-0387) and his residential address (6851 Jerdon Ct North,
2 Keizer OR 97303). License did not respond to the Notice within 30 days and is thus in default.
3

4 7.

5
6 Conclusions of Law

7
8 The Board finds that the acts and conduct of Licensee described above are in violation of
9 Regarding Case 2008-3007:

10 a) OAR 811-035-0015 (19) Failing to provide the Board with any explanation and/or
11 documents requested by the Board which is sanctionable as unprofessional conduct pursuant to
12 ORS 684.100(1)(g);

13 b) OAR 811-035-0015 (20) Failing to fully cooperate with the Board during the course of
14 an investigation, including but not limited to, waiver of confidentiality privileges, except
15 attorney-client privilege which is sanctionable as unprofessional conduct pursuant to ORS
16 684.100(1)(g);

17 c) OAR 811-015-0006 (1) A Chiropractic physician shall make available within a
18 reasonable time to a patient or a third party upon the patient's written request, copies or
19 summaries of medical records and originals or copies of the patient's X-rays which is
20 sanctionable pursuant to ORS 684.100(1)(q); and

21 d) ORS 684.100 (1)(t) failing to give prior notice to patients of the permanent or
22 temporary closure of the physician's practice or failing to give reasonable access to the records
23 and files of the physician's patients at any time
24

25 Regarding Case 2008-5023

26 The Board finds that Licensee's failure to respond and/or to complete the CE within the time
27 period required is a violation of OAR 811-15-0025 and ORS 684.092. In signing the renewal
28 affidavit stating the CE was completed within that time period, when it was not, Licensee
29 violated OAR 811-035-0015(16). Failing to cooperate with an investigation is a violation of
30 OAR 811-035-0015 (20).
31

32 8.

33
34 Order

35
36 IT IS HEREBY ORDERED:

37 a) Due to the aforementioned violations (Case 2008-3007), Licensee's chiropractic
38 license is suspended indefinitely.
39

40 b) Due to the aforementioned violations (Case 2008-5023), Licensee is assessed a \$2,000
41 civil penalty (\$250 for signing a false affidavit and \$1000 (\$50 per hour of course not completed)
42 for failure to complete the CE within the time period required, and \$750 for failure to cooperate
43 with an investigation.) In addition, for the next five years following renewal, Licensee will be

1 included in the continuing education compliance audit. The civil penalty is due and payable
2 within 90 days of the effective date of this order.

3
4 DATED this 6th day of January 2009.

5
6 BOARD OF CHIROPRACTIC EXAMINERS
7 State of Oregon

8 Original signature on file at OBCE. *De*

9
10 By:

11 Dave McTeague, Executive Director
12
13
14
15

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

21 * * * * *
22
23
24
25
26