BEFORE THE 1 2 BOARD OF CHIROPRACTIC EXAMINERS STATE OF OREGON 3 4 In the Matter of 5 JENNIFER A. FLETCHER, D.C. FINAL ORDER 6 7 HISTORY 8 On September 23, 1994, the Oregon Board of Chiropractic 9 Examiners (OBCE) issued a Notice of Proposed Civil Penalty for Unlicensed Practice against Jennifer A. Fletcher, D.C. (Fletcher). 10 11 Fletcher received the Notice on September 29, 1994. Fletcher requested a hearing. On April 20, 1995, the OBCE held a hearing 12 before the full board at its regular meeting. Evidence and 13 testimony was taken. 14 15 LEGAL ISSUES Did the licensee violate ORS 684.020 and 684.100(1)(g) by 16 practicing without a license? If so, what is the appropriate 17 discipline? 18 FINDINGS OF FACT 19 20 Fletcher mailed her continuing education hours and \$350 1. late in the day on August 31, 1994. The fee for an active license 21 is \$250. 22 The envelope Fletcher mailed shows a postmark of 2. 23 24 September 1, 1994.

The 30-day grace period expired on August 30, 1994.

that time, Fletcher was no longer licensed.

* E 1 - FINAL ORDER (JENNIFER A. FLETCHER, D.C.)

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4. The OBCE applied the \$100 towards the statutory \$125 late fee. Fletcher owed a \$25 balance.

- 5. Fletcher was notified on September 7, 1994, that she was not licensed and could not practice unless she paid the outstanding balance.
- 6. Fletcher sent a letter to request her license renewed along with a \$25 late penalty. The envelope was postmarked September 13, 1994.
 - 7. An active license was issued on September 21, 194.

CONCLUSIONS AND REASONS

- 1. Fletcher violated ORS 684.020 and 684.100(1)(g) by practicing with an expired license for two calendar weeks. The September 23, 1994 Notice contained an allegation that Fletcher has practiced for three weeks without a license. However, the evidence at hearing showed that Fletcher was issued a new license on September 16, 1994 (Exhibit 4) and therefore could only have practiced for two calendar weeks without a license.
- 2. The Notice proposed a penalty of \$100 for each calendar week Fletcher practiced without a license. The OBCE believes that this \$100 penalty is reasonable as a deterrent against unlicensed practice in the future.

FINAL ORDER

Licensee did violate ORS 684.020 and 684.100(1)(g) by practicing for two calendar weeks without an active Oregon license. A civil penalty of \$200 is assessed against Fletcher for

1	practicing without a license for two calendar weeks and is to be
. 2	paid ten days after the date of this order.
3	DATED this 24 day of May, 1995.
4	
5	BOARD OF CHIROPRACTIC EXAMINERS State of Oregon
· 6	By: Original signatures on file at the OBCE office.
7	
8	NOTICE: You are entitled to a judicial review of the Final Order. Judicial review is by the Oregon Court of Appeals pursuant to the
9	provisions of ORS 183.482. Judicial review may be obtained by filing a petition for review with the Office of the State Court
10	Administrator, Supreme Court Building, Salem, Oregon 97310, within 60 days from the service of the Final Order.
11	to days from the service of the Final Order.
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BEFORE THE Į BOARD OF CHIROPRACTIC EXAMINERS 2 STATE OF OREGON 3 In the Matter of the License to) 4 Practice Chiropractic of NOTICE OF PROPOSED -5 CIVIL PENALTY FOR JENNIFER A. FLETCHER, D.C. UNLICENSED PRACTICE 6 The Oregon Board of Chiropractic Examiners (OBCE) proposes to 7 impose a civil penalty on Jennifer A. Fletcher, D.C. (Licensee), 8 pursuant to ORS 183.413 et seg., ORS 684.020 and ORS 684.100, for 9 the conduct described as follows: 10 1. 11 Licensee is a chiropractor licensed under ORS 684.054 who has 12 practiced at 1745 Ashland Street, Ashland, Oregon 97520. Licensee 13 has at all times material to this action exercised dominion and control over the business and professional affairs of the clinic, 15 setting its policies as well as implementing them through her 16 employees. Licensee is not, nor has she ever been licensed to 17 practice any other healthcare profession or healing art under the 18 Oregon Revised Statutes. 19 2. 20 Chiropractic licenses expire annually. Licensee's license to 21 practice chiropractic expired on August 1, 1994, for failing to 22 submit proper fees in a timely manner, or failing to submit 23 appropriate proof of continuing education in a timely manner. 24 111 25 26 ///

PAGE 1 - NOTICE OF PROPOSED CIVIL PENALTY FOR UNLICENSED PRACTICE

3. 1 Licensees are allowed a 30-day grace period. ORS 684.090(2). 2 However, by August 31, 1994, Licensee had failed to correct the .3 above deficiences. As such, Licensee has practiced with an expired 4 license since September 1, 1994, in violation of ORS 684.020. 5 4. 6 The OBCE hereby proposes to impose a civil penalty of 7 \$100 per week of unlicensed practice, for a maximum of \$500. 8 ORS 684.100(1)(g), ORS 684.100(1)(q), and ORS 684.020. 9 5. 10 Licensee has the right, if Licensee requests, to have a 11 formal contested case hearing before the Board or its hearings 12 officer to contest the matter set out above. At the hearing, 13 Licensee may be represented by an attorney and subpoena and cross-14 examine witnesses. That request for hearing must be made in 15 writing to the Board, must be received by the Board within 21 days 16 from the mailing of this notice (or if not mailed, the date of 17 personal service), and must be accompanied by a written answer to 18 the charges contained in this notice. 19 6. 20 The answer shall be made in writing to the Board and shall 21 include an admission or denial of each factual matter alleged in 22 this notice, and a short plain statement of each relevant 23 affirmative defense Licensee may have. Except for good cause, 24 factual matters alleged in this notice and not denied in the 25 answer shall be presumed admitted; failure to raise a particular 26

PAGE 2 - NOTICE OF PROPOSED CIVIL PENALTY FOR UNLICENSED PRACTICE

1	defense in the answer will be considered a waiver of such defense;			
2	new matters alleged in the answer (affirmative defenses) shall be			
3	presumed to be denied by the agency and evidence shall not be			
4	taken on any issue not raised in the notice and answer.			
5	7.			
6	If Licensee requests a hearing, before commencement of that			
7	hearing, Licensee will be given information on the procedures,			
8	rights of representation, and other rights of the parties relating			
9	to the conduct of the hearing as required under ORS 183.413 and			
.0	ORS 183.415.			
1	8.			
.2	If Licensee fails to request a hearing within 21 days, or			
_3	fails to appear as scheduled at the hearing, the Board may issue a			
4	final order by default and impose the above sanctions against			
L 5	Licensee. Licensee's submissions to the Board to-date regarding			
L6	the subject of this disciplinary case and all information in the			
L7	Board's files relevant to the subject of this case automatically			
L8	become part of the evidentiary record of this disciplinary action			
L9	upon default for the purpose of proving a prima facie case.			
20	DATED this 23 day of Sept, 1994.			
21	BOARD OF CHIROPRACTIC EXAMINERS			
22	State Original signatures on file at			
23	By: the OBCE office.			
24				
25				
26	JKS:ros\JGG0A5D4(3)			

PAGE 3 - NOTICE OF PROPOSED CIVIL PENALTY FOR UNLICENSED PRACTICE

BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS

OF THE STATE OF OREGON

In the Matter of)	
)	NOTICE OF
JENNIFER A. FLETCHER, DC)	HEARING
•)	

TO: Jennifer A. Fletcher, DC 1745 Ashland St Ashland OR 97520

An administrative hearing will be held before the Board of Chiropractic Examiners or its representative, under the provisions of ORS Chapter 684, on April 20, 1995, at 11 AM, at First Floor 3218 Pringle Rd SE Salem OR.

The hearing will be held to determine if the respondent has violated ORS Chapter 684 by practicing with an expired license.

At the hearing, testimony and evidence will be received in accordance with ORS Chapters 183 and 684. The respondent may be represented by an attorney. Failure to appear at the hearing could result in a ruling against the respondent.

This notice is given in accordance with the Oregon Administrative Rules and the Administrative Procedure Act.

DATED this <u>18</u> day of <u>March</u>, 1995.

Original signatures on file at the OBCE office.

Christie Joachim Executive Director

enclosures:

Notice of Contested Case Rights and Procedures