



Oregon

John A. Kitzhaber, M.D., Governor

Oregon Board of Chiropractic Examiners

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October 30, 2002

Billy Flowers, DC
Irvington Chiropractic
2124 NE Hancock Street
Portland, Oregon 97212

Re: Case # 2001-2003, Stipulated Final Order
Letter of Concern



Dear Dr. Flowers,

The Oregon Board of Chiropractic Examiners is issuing this Letter of Concern to you as agreed upon in the enclosed Stipulated Final Order.

The Board is concerned that in the case reviewed, was whether the extent of care was beyond reasonable and necessary, whether any rehabilitation may have exceeded reasonable and necessary and whether the billings correlated with the chart notes.

The Board is concerned that the Peer Review Committee raised questions whether current and past patient history did not meet minimum standards of care.

The Board does note that this Letter of Concern is the lowest possible level of action that is disciplinary in nature. They request that you thoroughly review these issues and your approach to treatment and documentation.

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

Sincerely,

Original signature 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 Stipulated Order
Billy Flowers, D.C.)
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Licensee.) Case # 2001-2003

The Board of Chiropractic Examiners (Board) is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Billy Flowers, D.C. (Licensee), is licensed by the Board to practice as a chiropractic physician in the State of Oregon. The Board and Licensee have agreed to the following:

Findings of Fact

1.

The Oregon Board of Chiropractic Examiners directed the Peer Review Committee to review certain files from Licensee due to a complaint that a patient was given extended treatment that may not have been reasonable and necessary. The Board's concerns were with Dr. Flowers extent of care being beyond reasonable and necessary, whether any rehabilitation may have exceeded reasonable and necessary and whether the billings correlated with the chart notes. Licensee was interviewed by the Peer Review Committee on June 26, 2001.

2.

Patient 1 was a woman who was involved in a motor vehicle accident in April 2001. Licensee continued treating patient 1 through October 2001 with a total of 53 office visits. Licensee also referred the patient for rehabilitation at Irvington Management Group, Inc., which Licensee is the owner of. Patient 1's chart was reviewed by the Peer Review Committee.

3.

The Peer Review committee found based on Licensee's interview and records, current and past patient history did not meet minimum standards of care. Re-examinations that Licensee performed (according to billing records) were not demonstrated or recorded in the file for visits of April 30, July 6 and August 20, 2001. Therefore these recorded dates of re-examinations do not meet the minimal standard of care. There was no long-term treatment plan and treatment appears to be patient driven. The Evaluation and Management code levels are not substantiated by the records reviewed. The duration and frequency of care is beyond reasonable and necessary according to the findings in the daily chart notes and lack of re-evaluation by the Licensee. The

1 extent of care went beyond reasonable and medically necessary based upon the records and
2 objective findings in the chart through August 2002. The Peer Review Committee felt they could
3 not take over the care of Patient 1 based on their review of the records.
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5 4.
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7 Licensee's billing records revealed that areas of concern were specific to levels of service. The
8 billing does not correlate with the chart notes, particularly in the initial exam. Re-examination
9 codes do not correlate with the level of information provided in the chart notes. There are
10 multiple areas of billing codes for treatment which is not found in the chart notes. There are 17
11 examples of code 98941 (3-4 regions of adjustment) when a 98940 code would better describe
12 the services rendered. Billing appears to be excessive for levels of service and there is one
13 double billing on June 26, 2001.
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15 5.

16 Conclusions of Law

17 The board finds that conduct as described above constitutes violations of ORS 684.100 (1)(g)(A)
18 and OAR 811-015-0005(1)(a) and (b) and OAR 811-015-0010(2) and (3) and OAR 811-035-
19 0015 (2) and (5).
20

21 6.

22 Stipulations

23 This matter having come properly before and been considered by the Board, and Licensee
24 having voluntarily stipulated and consented to the issuance and entry of this order by signing
25 below,

26 IT IS HEREBY ORDERED THAT

- 27 1. Due to the aforementioned violations, the OBCE hereby issues a letter of concern
28 specifying the Boards concerns as stated in the findings of fact as to this Licensee
- 29 2. Licensee agrees that he has been advised of his right to request a hearing in this matter
30 pursuant to ORS 183.415 and waives that right.
- 31 3. Licensee agrees to waive his right to appeal this matter.
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34 The stipulated final order memorializes the entire agreement between the Licensee and the Board
35 and supercedes all prior orders, or negotiations. I have read and I fully understand all of the
36 above facts and the Board order, and fully agree to its terms.
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IT IS HEREBY ORDERED THAT

Licensee receive a letter of concern specifying the Boards concerns as stated in the findings of fact as to the conduct of Licensee.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By: Original signature on file
at the OBCE office.
Dave McTeague, Executive Director
Date: Oct. 30, 2002

By: Original signature on file
at the OBCE office.
11/19/2002