

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

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

5 In the Matter of)
6) FINAL ORDER BY DEFAULT
7 Thomas Gilliland, D.C.)
8)
9)
10 Licensee.) Case # 2007-5003
11

13 The Board of Chiropractic Examiners (Board) is the state agency responsible for
14 licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Thomas
15 Gilliland, D.C. (Licensee), is licensed by the Board to practice as a chiropractic physician in the
16 State of Oregon. The Board will discipline Licensee for the following reasons.
17

18
19
20
21
22

FINDINGS OF FACT

1.
23

20 In response to a complaint, the Oregon Board of Chiropractic Examiners reviewed the patient
21 records of Patient 1 and found the records to be incomplete.
22

2.
24

24 Licensee provided response to the Complaint, and in that response provided the chart notes of
25 Patient 1.
26

3.
27

27 The Board reviewed the patient charts and found the following:
28

29 a. There were no notations in the chart of the patients past medical history. Patient
30 1 had a history of multiple types of surgeries which were not detailed in the charts.

31 b. There was no initial exam or examination findings on the visit of Patient 1 for August
32 14, 2006.

33 c. The chart notes are substandard and below the standard of care for a chiropractic
34 physician in the state of Oregon. There is no treatment plan for the patient in the chart
35 notes. Treatment provided should reflect the patient's condition and response to
36 treatment. This was lacking in the chart notes.
37

4.
38

39 On or about May 30, 2007, the Notice of Proposed Disciplinary Action was served on Licensee
40 by Certified Mail. The 30 days in which to request a hearing expired on July 2, 2007. Licensee
41 did not request a hearing within that time period and is now in default. Licensee also notified the
42 Board by telephone on July 3, 2007 that he would not contest the Notice and would accept this

1 default order. The Notice of Proposed Disciplinary Action stated that the record herein would be
2 relied on for purposes of default.
3
4
5

6 CONCLUSIONS OF LAW

7 5.
8

9 The Board finds that Licensee's record keeping on Patient 1 fell below the minimum standards in
10 violation of ORS 684.100 (1)(A); OAR 811-015-0005(1), and (1)(a). The Board finds that if a
11 new chiropractor were to assume care for this patient, the chiropractor wouldn't have the
12 necessary information to assure appropriate care. This is especially dangerous to public safety in
13 cases where a patient presents with multiple surgeries in their past. Past health information
14 affects the care presently.
15

16 ORDER

17 6.

18 Due to the aforementioned violations, the OBCE is issuing a Letter of Reprimand, and
19 requires licensee to take a 6 hour course on recordkeeping in addition to the requirements of
20 continuing education for his regular renewal period. Licensee is required to provide proof to the
21 Board of completion of this course.
22
23

24 DATED this 5th day of July, 2007.
25

26 BOARD OF CHIROPRACTIC EXAMINERS
27 State of Oregon

28
29 Original signature on file
30 By: at the OBCE office.
31 Dave McTeague, Executive Director
32
33

34 A party is entitled to judicial review of the Final Order. Judicial review is by the Oregon Court of Appeals pursuant
35 to the provisions of ORS 183.482. Judicial review may be obtained by filing a petition for review with the Office of
36 State Court Administrator, Supreme Court Building, Salem, Oregon 97310. ORS 183.482 requires that an appeal is
37 requested by filing a petition in the Court of Appeals within 60 days following the date the order upon which the
38 petition is based is served.
39
40

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

State of Oregon) Case # 2007-5003
County of Marion) Thomas Gilliland, 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 6th day of July, 2007

Original signature on file
at the OBCE office.
NOTARY PUBLIC FOR OREGON
My Commission Expires: 10/7/07



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Certificate of Service

I, Dave McTeague, certify that on July 5, 2007 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:

Thomas Gilliland, DC
2111 Meadow Glen
Grants Pass, OR 97527

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners

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

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

6 In the Matter of)
7)
8 Thomas Gilliland, D.C.) NOTICE OF PROPOSED
9) DISCIPLINARY ACTION
10) (Probation)
11)
12 Licensee.) Case # 2007-5003

13
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. Thomas
16 Gilliland, D.C. (Licensee), is licensed by the Board to practice as a chiropractic physician in the
17 State of Oregon. The Board proposes to discipline Licensee for the following reasons.
18

19 1.

20 In response to a complaint, the Oregon Board of Chiropractic Examiners reviewed the patient
21 records of Patient 1 and found the records to be incomplete.
22

23 2.

24 Licensee provided response to the Complaint, and in that response provided the chart notes of
25 Patient 1.
26

27 3.

28 The Board reviewed the patient charts and found the following:

- 29 a. There were no notations by you in the chart of the patients past medical history. Patient
30 1 had a history of multiple types of surgeries which were not detailed in the charts.
31 b. There was no initial exam or examination findings on the visit of Patient 1 for August
32 14, 2006.
33 c. The chart notes are substandard and below the standard of care for a chiropractic
34 physician in the state of Oregon. There is no treatment plan for the patient in the chart
35 notes. Treatment provided should reflect the patient's condition and response to
36 treatment. This was lacking in the chart notes.
37

38 4.

39 The Board finds that Licensee's record keeping on Patient 1 fell below the minimum standards in
40 violation of ORS 684.100 (1)(A); OAR 811-015-0005(1), and (1)(a). The Board found that if a
41 new chiropractor were to assume care for this patient, the chiropractor wouldn't have the
42 necessary information to assure appropriate care. This is especially dangerous to public safety in

1 cases where a patient presents with multiple surgeries in their past. Past health information
2 affects the care presently.

3
4 5.

5
6 Due to the aforementioned violations, the OBCE proposes to issue a Letter of Reprimand,
7 and require licensee to take a 6 hour course on recordkeeping in addition to the requirements of
8 continuing education for his regular renewal period.

9
10 6.

11
12 Licensee shall pay costs of this disciplinary proceeding, including investigative costs and
13 attorney fees pursuant to ORS 684.100(9)(g).

14
15 7.

16
17 Licensee has the right, if Licensee requests, to have a formal contested case hearing
18 before the OBCE or its hearings officer to contest the matter set out above. At the hearing,
19 Licensee may be represented by an attorney and subpoena and cross examine witnesses. That
20 request for hearing must be made in writing to the OBCE, must be received by the OBCE within
21 30 days from the mailing of this notice (or if not mailed, the date of personal service), and must
22 be accompanied by a written answer to the charges contained in this notice.

23
24 8.

25
26 The answer shall be made in writing to the OBCE and shall include an admission or
27 denial of each factual matter alleged in this notice, and a short plain statement of each relevant
28 affirmative defense Licensee may have. Except for good cause, factual matters alleged in this
29 notice and not denied in the answer will be considered a waiver of such defense; new matters
30 alleged in this answer (affirmative defenses) shall be presumed to be denied by the agency and
31 evidence shall not be taken on any issue not raised in the notice and answer.

32
33 9.

34
35 If Licensee requests a hearing, before commencement of that hearing, Licensee will be
36 given information on the procedures, rights of representation and other rights of the parties
37 relating to the conduct of the hearing as required under ORS 183.413-415.

38
39 10.

40
41 If Licensee fails to request a hearing within 30 days, or fails to appear as scheduled at the
42 hearing, the OBCE may issue a final order by default and impose the above sanctions against
43 Licensee. Upon default order of the Board or failure to appear, the contents of the Board's file

1 regarding the subject of this automatically become part of the evidentiary record of this
2 disciplinary action upon default for the purpose of proving a prima facie case.

3
4 DATED this 30th day of May, 2007.

5
6 BOARD OF CHIROPRACTIC EXAMINERS
7 State of Oregon

8
9 Original signature on file
10 at the OBCE office.

11 By:

12 Dave McTeague, Executive Director
13
14
15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

State of Oregon) Case # 2007-5003
County of Marion) Thomas Gilliland, 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 Notice of Proposed Disciplinary Action is true to the best of my knowledge as I verily believe.

Original signature on file
at the OBCE office.

Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

SUBSCRIBED AND SWORN to before me
this 30th day of May, 2007

Original signatures on file
at the OBCE office.

NOTARY PUBLIC FOR OREGON
My Commission Expires: 10/7/07



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Certificate of Service

I, Dave McTeague, certify that on May 30, 2007 served the foregoing Notice of Proposed Disciplinary Action upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Thomas Gilliland, DC
2111 Meadow Glen
Grants Pass, OR 97527

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners