

BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS

FOR THE STATE OF OREGON

In the Matter of  
Timothy Goulart, D.C.

)  
) ORDER  
) NOTICE OF SANCTION  
)  
)

1.

Timothy Goulart (Goulart) is a chiropractic physician subject to the jurisdiction of the Oregon Board of Chiropractic Examiners (Board), which is the state agency responsible for licensing and regulating chiropractic.

2.

Goulart examined and took x-rays of patient on December 19, 1991. The x-rays of are of sub-standard quality relative to their diagnostic value.

3.

The use of sub-standard x-rays is a violation of ORS 684.100(1)(g)(A) and (B), and OAR 811-30-020(5), in that the use of sub-standard x-rays is contrary to the recognized standards of practice of the chiropractic profession, and the repeated irradiation of the patient to obtain x-rays of diagnostic quality is a danger to the health and safety of the patient.

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2 Pursuant to ORS 183.413 et seq. and ORS 684.100, the Board  
3 proposes to impose the following sanctions.

4 a. Goulart must enroll in and successfully complete the  
5 next scheduled Radiologic Technology course for limited permit  
6 holders. Attendance will be at Goulart's expense and proof of  
7 successful completion will be forwarded to the Board within 30 days  
8 of the completion of the course.

9 b. The Board will randomly review Goulart's x-rays for the  
10 three months immediately following his submission of proof of  
11 successful completion of the Radiologic Technology course for  
12 limited permit holders.

13 5.

14 You are entitled to a hearing as provided by the  
15 Administrative Procedures Act (ORS ch 183). You may be represented  
16 by counsel at the hearing. If you desire a hearing, you must notify  
17 the Board in writing that you request a hearing within 21 days of  
18 the date of mailing or service of this Notice to you. If a request  
19 for a hearing is not received within this 21 day period, your right  
20 to a hearing shall be considered waived unless excused for good  
21 cause. Upon receipt of your request for a hearing, the Board will  
22 notify you of the time and place of the hearing.

23 6.

24 If you request a hearing, you will be given information on  
25 the procedures, rights of representation and other rights of  
26 parties relating to the conduct of the hearing as required under  
27 ORS 183.413-415 before commencement of the hearing.

7.

2 If you fail to request a hearing within 21 days, or you fail  
3 to appear at a scheduled hearing, the Board may issue a final order  
4 by default imposing the above sanctions against you. Your  
5 submissions to the Board to date regarding the subject of this  
6 disciplinary case, and all information in the Board files relevant  
7 to the subject of this case, automatically become part of the  
8 evidentiary record of the case upon default for the purpose of  
9 proving a prima facie case.

10 8.

11 An answer to this Notice is requested, pursuant to OAR 811-  
12 01-010(2)(a) and (b). This answer shall be made in writing to the  
13 Board and shall include an admission or denial of each factual  
14 matter alleged in this Notice, and a short and plain statement of  
15 each relevant affirmative defense you may have. Except for good  
16 cause, factual matters alleged in the Notice and not denied in the  
17 answer shall be presumed admitted; failure to raise a particular  
18 defense in the answer will be considered a waiver of such defense;  
19 new matters alleged in the answer (affirmative defenses) shall be  
20 presumed to be denied by the agency and evidence shall not be taken  
21 on any issue not raised in the Notice and answer.

22 DATED this 23 day of March, 1992.

23 Original signature on file  
24 at the OBCE office.

25 Christie Joachim, Executive Director  
Board of Chiropractic Examiners  
for the State of Oregon