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OREGON BOARD OF
CHIROPRACTIC EXAMINERS

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	Case # 2011-5021
Susan Gray DC)	
)	
)	Stipulated Final Order
Licensee.)	
)	
)	

The Oregon Board of Chiropractic Examiners (hereafter "Board" or "OBCE") is the state agency responsible for licensing, regulating and disciplining chiropractic physicians and certified chiropractic assistants in the State of Oregon. Susan Gray DC (hereafter "Licensee"), is currently licensed by the Board to practice as a chiropractic physician in Oregon.

Findings of Fact

1.

In September 2010, Licensee signed a Stipulated Final Order that came about from a complaint about getting treatment with Licensee and her refusal to bill the insurance company for payment. In that case, Patient 1 complained because the insurance claim could not be further processed without a bill provided by Licensee. Patient 1 had requested this from Licensee in a certified letter but had not received any response.

2.

In her Stipulated Order in case number 2010-1002, Licensee agreed to various items one of them being that she would pay Patient 1 the sum of \$5,000 and would make payments to the Board in the sum of \$300 per month. Licensee was required in July 2011 to begin making monthly payments. The Board notified her of this obligation via a letter dated July 27, 2011.

3.

To date, Licensee has made just one payment on this matter as agreed to in the order of September 1, 2010. In 2011, the Board granted a three-month hardship reprieve from this requirement. Licensee did not resume making payments at the conclusion of this reprieve. Licensee is in violation of that agreement.

Licensee has been disciplined several times. A Stipulated Final Order was issued on October 23, 2000 and a Final Order by Default was issued on January 23, 2003. More recently the

Board has made several attempts to get Licensee to comply with the requirements of the September 1, 2010 Stipulated Final Order and her obligations as a chiropractor in the State of Oregon.

Conclusions of Law

4.

The Board finds that the acts and conduct of Licensee described above are in violation of ORS 684.100(1)(f) and OAR 811-035-0015 (23) disobeying a final order of the Board.

Stipulations

5.

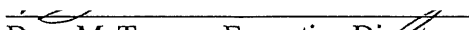
Therefore, pursuant to ORS 183.415(5) and ORS 684.100(9)(e) the OBCE orders:

1. The parties have agreed to enter this stipulated final order. Licensee agrees to the entering of this new Stipulated Final Order. Licensee agrees that she is aware of his right to a hearing with her attorney present to contest the charges and hereby waives that right and agrees to entry of this order. The signature of this order also waives any right to appeal. The parties wish to settle and resolve the above matter without further proceedings.
2. The Stipulated Final Order in case number 2010-1002 is still in effect and Licensee is obligated to abide by those terms. Failure to abide by the terms of that order could result in further discipline of Licensee up to and including revocation.
3. Paragraph 6 of the Stipulated Final Order in case number 2010-1001 is amended as follows: Licensee agrees to reimburse Patient 1 the total amount of \$5,000, the estimated loss to the patient for Licensee's failure to document her care, do appropriate billing and timely release of patient records. Licensee must make payments to Patient 1 in the amount of \$100 a month to begin on January 1, 2012. **If Licensee fails to make the payment by the first of every month, then Licensee is automatically suspended. Licensee will be suspended until such time as she becomes current with the \$100 a month obligation.** Payment will be made to the Patients but will be sent each month to the Board address and the Board will in turn, mail it to the Patients for reimbursement to allow the board to monitor that payments are being made by Licensee.
4. Failure to complete this final stipulated order with the terms so stated, may result in further discipline, up to and including, revocation.

DATED December 5, 2011

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signatures on file at OBCE office

By: 
Dave McTeague, Executive Director

By: Susan Gray DC, Licensee
Date: *Original signatures on file at OBCE office*





Oregon

John A. Kitzhaber, MD, Governor

Oregon Board of Chiropractic Examiners

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October 11, 2011

Susan Gray, DC
PO Box 10883
Portland, OR 97296

Re: OBCE Case # 2011-5021, Notice of Proposed Suspension

Dear Dr. Gray,

The OBCE reviewed your compliance with your Stipulated Final Order at their last meeting. They voted to issue the enclosed notice of proposed suspension of your license.

You now have 30 days in which to respond and request a contested case hearing. Also enclosed is your notice of contested case rights and procedures.

Sincerely,

Original signatures on file at OBCE office

Dave McTeague
Executive Director

Enclosure



3.

After making one initial payment, Licensee has failed to make any further payments on this matter as agreed to in the order of September 1, 2010. Licensee is in violation of that agreement.

Licensee is also required to obtain mental health counseling during the period of probation. She has provided no evidence of doing so. Licensee is in violation of that agreement.

Licensee has been disciplined several times previously and the Board has made several attempts to get Licensee to comply with her statutory responsibilities of this order and her obligations as a chiropractor in the State of Oregon.

4.

The Board finds that the acts and conduct of Licensee described above are in violation of ORS 684.100(1)(f) and OAR 811-035-0015 (23) disobeying a final order of the Board.

5.

The Board proposes to indefinitely suspend Licensee's license to practice chiropractic due to the aforementioned violations pursuant to ORS 684.100(a).

6.

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

7.

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

8.

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

9.

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

10.


If Licensee fails to request a hearing within 30 days, or fails to appear as scheduled at the hearing, the OBCE may issue a final order by default and impose the above sanctions against Licensee. Upon default order of the Board or failure to appear, the contents of the Board's file regarding the subject of this automatically become part of the evidentiary record of this disciplinary action upon default for the purpose of proving a prima facie case.

DATED October 11, 2011

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signatures on file at OBCE office

By:



Dave McTeague, Executive Director

CERTIFICATE OF SERVICE

I, Dave McTeague, certify that on October 11 2011, I served the foregoing Notice upon Susan Gray DC, the party hereto, by mailing, regular mail, postage prepaid, a true, exact and full copy thereof to:

Susan Gray, DC
PO Box 10883
Portland, OR 97296

And by email to: dr.susan_gray@yahoo.com

Original signatures on file at OBCE office

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners