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BEFORE THE  
BOARD OF CHIROPRACTIC EXAMINERS  
STATE OF OREGON

In the Matter of the License to )  
Practice Chiropractic of )  
RICHARD R. KREIN, D.C., )  
\_\_\_\_\_ )

STIPULATED FINAL ORDER

Pursuant to ORS 684.100, the above-entitled matter came before the Oregon Board of Chiropractic Examiners (OBCE) on the complaint of a male patient.

In order to informally dispose of and settle this matter, pursuant to ORS 183.415(5) and 684.155, Richard R. Krein, D.C. (Dr. Krein) and the OBCE by and through its Administrator, Christie Joachim, make the following statements:

1.

Dr. Krein is a licensed chiropractic physician in the State of Oregon subject to the jurisdiction of the OBCE, which is the state agency responsible for licensing and regulating chiropractic in the State of Oregon.

2.

Dr. Krein admits and stipulates that he has been advised of his right to a hearing in this matter pursuant to ORS 183.415(2)(a) and 183.430, and of his right to be represented at a hearing pursuant to ORS 183.415(3).

3.

Dr. Krein waives his right to such a hearing in this matter.

1 4.

2 Dr. Krein contests the allegations in the February 16, 1995  
3 Notice of Proposed Disciplinary Action. In lieu of a hearing on  
4 the proposed disciplinary action against Dr. Krein, the OBCE and  
5 Dr. Krein stipulate and agree to the following:

- 6 (a) Dr. Krein conducted a substandard examination of patient  
7 \_\_\_\_\_, violating ORS 684.100(1)(g)(B), OAR 811-  
8 10-95(2)(b) and Chapter II of the Practice and  
9 Utilization Guidelines (1991).
- 10 (b) In September of 1995, the OBCE reviewed the civil  
11 penalty amount and the settlement offer made by Dr.  
12 Krein. Dr. Krein agrees to the imposition of a \$500  
13 civil penalty for the violation referenced in subsection  
14 (a) above.
- 15 (c) No later than November 1, 1995, Dr. Krein will complete  
16 12 hours of continuing education as specified in  
17 paragraph 7 of the February 16, 1995 Notice of Proposed  
18 Disciplinary Action which is hereby incorporated into  
19 this Stipulated Final Order.

20 5.

21 If the OBCE finds, after a contested case hearing, that  
22 Dr. Krein has materially violated any of the terms of this  
23 Stipulated Final Order, that violation shall constitute grounds for  
24 further disciplinary action.

25 Original signature on file  
26 at the OBCE office.

RICHARD R. KREIN

10-20-95  
Date

Original signature on file  
at the OBCE office.

DIRECTOR

10-31-95  
Date

IT IS SO ORDERED this 31 day of October, 1995.

Original signature on file  
at the OBCE office.

CHRISTIE JOACHIM, Executive Director  
Oregon Board of Chiropractic Examiners

JKS:ros\JGG0C37B

BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS  
OF THE STATE OF OREGON

In The Matter of: )

Richard Krein )

To: Richard Krein )  
160 NE 82nd )  
Portland, OR 97220 )

Notice of Hearing

An administrative hearing will be held before the Board of Chiropractic Examiners or its representative, under the provisions of ORS Chapter 684, on August 31, at 8:30AM, the small conference room at 3218 Pringle Rd. SE, First Floor, Salem, OR 97302-6311.

The hearing will be held to determine if the respondent has violated ORS Chapter 684 by examining and diagnosing a patient and/or prescribing dietary supplements which are contrary to the recognized standards of the chiropractic profession and if a civil penalty of \$1000 and 12 hours of extra continuing education should be issued.

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 Procedures Act.

Dated this 12 day of July, 1995.

Original signature on file  
at the OBCE office.

  
Christie Joachim  
Executive Director

enclosures:  
Notice of Contested Case Rights and Procedures



1 from taking an accurate reading. Licensee failed to attempt to  
2 repeat the test or try different positions.

3 3.2 Licensee's auscultation of affirmed faint,  
4 irregular heart beats, but Licensee failed to recognize and record  
5 rate, frequency or character of irregularities.

6 3.3 Licensee failed to take pulses.

7 3.4 Licensee failed to auscultate lung fields.

8 4.

9 Licensee diagnosed with a "virus on the heart" but  
10 the diagnosis cannot be justified by virtue of a substandard  
11 examination. The unqualified diagnosis is as follows:

12 4.1 Licensee relied solely on CRA for his diagnosis during  
13 his examination of on May 9, 1994.

14 4.2 Licensee's diagnosis failed to specify what a "virus on  
15 the heart" meant or whether the malady effected the endocardium or  
16 pericardium.

17 4.3 Licensee failed to request past medical history on  
18 Mr. Zapfe from other health-care providers.

19 4.4 Licensee failed to take an adequate medical history of  
20 Mr. Zapfe.

21 4.5 Licensee rendered a diagnosis based on an incomplete  
22 examination.

23 5.

24 Licensee prescribed to dietary supplements without  
25 explanation as to how the administration of supplements was part

26 ///

1 of his diagnosis and not treatment of the condition, "virus on the  
2 heart".

3 6.

4 Licensee's examination, diagnosis and/or prescription of  
5 dietary supplement of . were contrary to the P & U  
6 guidelines and contrary to the recognized standards of the  
7 chiropractic profession in violation of ORS 684.100(1)(g)(B).

8 7.

9 Based upon ORS 684.100(1)(g) and ORS 684.100(9)(f) and (g),  
10 the OBCE proposes to impose a \$1,000 civil penalty against  
11 Licensee and require Licensee to:

12 7.1 Attend 12 hours of continuing education specific to  
13 physical diagnosis concerning cardiovascular and respiratory  
14 conditions, above and beyond the continuing education required for  
15 licensure.

16 7.2 The 12 hours of continuing education must be submitted  
17 by Licensee and approved by the OBCE prior to Licensee's  
18 attendance.

19 7.3 A certificate of completion must be submitted to the  
20 OBCE by July 1, 1995.

21 Failure to comply with the above, if ordered, may result in  
22 additional disciplinary action.

23 8.

24 Pursuant to ORS 684.100(9), the OBCE proposes to assess the  
25 costs of this disciplinary proceeding against Licensee.

26 ///

1 9.

2 Licensee has the right, if Licensee requests, to have a  
3 formal contested case hearing before the OBCE or its hearings  
4 officer to contest the matter set out above. At the hearing,  
5 Licensee may be represented by an attorney and subpoena and cross-  
6 examine witnesses. That request for hearing must be made in  
7 writing to the OBCE, must be received by the OBCE within 21 days  
8 from the mailing of this notice (or if not mailed, the date of  
9 personal service), and must be accompanied by a written answer to  
10 the charges contained in this notice.

11 10.

12 The answer shall be made in writing to the OBCE and shall  
13 include an admission or denial of each factual matter alleged in  
14 this notice, and a short plain statement of each relevant  
15 affirmative defense Licensee may have. Except for good cause,  
16 factual matters alleged in this 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  
21 taken on any issue not raised in the notice and answer.

22 11.

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

If Licensee fails to request a hearing within 21 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. Licensee's submissions to the OBCE to-date regarding the subject of this disciplinary case and all information in the OBCE's files relevant to the subject of this case automatically become part of the evidentiary record of this disciplinary action upon default for the purpose of proving a prima facie case.

DATED this 16 day of February, 1995.

BOARD OF CHIROPRACTIC EXAMINERS  
State of \_\_\_\_\_

By: \_\_\_\_\_ Original signature on file  
at the OBCE office. \_\_\_\_\_ rector

JKS:ros/JGG0B1F4