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

In the Matter of)

Daniel Miller, D.C.)

Licensee.)

) FINAL STIPULATED
) ORDER

) Case # 2009-1006

15 The Board of Chiropractic Examiners (Board) is the state agency responsible for
16 licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Daniel
17 Miller, D.C. (Licensee), is licensed by the Board to practice as a chiropractic physician in the
18 State of Oregon.

19 Findings of Fact I

20 1.

21 The Board received a complaint that P -rays showed stress on her heart requiring the need
22 for chiropractic care. In response to a complaint, the Oregon Board of Chiropractic Examiners
23 directed the Peer Review Committee (PRC) to review the complaint with Licensee.
24

25 2.

26 Licensee was interviewed by the Peer Review Committee on May 14, 2009 regarding his
27 treatment of Patient 1. Patient 1 signed a contract for a certain amount of visits for a certain sum
28 of money. Patient 1 wanted to stop care because she was getting worse.
29

30 3.

31 In the interview Licensee provided information and the Peer Review Committee noted
32 the following information:
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34 1. Licensee's chart notes were incomplete and failed to meet the minimal standards. The
35 initial chart provided did not include a billing ledger as required, even when Licensee attested he
36 had provided all information. Nor did they contain prior records for the patient. This violates
37 ORS 684.100(1)(g)(A) and OAR 811-015-0005(1) and OAR 811-015-0010(1).
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39 2. The patient's subjective complaints did worsen over the course of treatment and over
40 the course of two months, on a treatment frequency average of 2-3 times per week, her subjective
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1 scores went up from 0 to 7 for headaches, 3 to 4 for neck pain, upper back pain and mid back
2 pain, and stayed the same for low back pain. These numbers and diagrams support the basis of
3 the complaint. There was very little, if any, documentation that showed she responded positively
4 to Licensee's care over the course of almost 5 months and 51 visits. Clinical justification for this
5 amount of care is not supported by the chart note documentation or testimony of Licensee in the
6 interview. This violates ORS 684.100(1)(g)(A), OAR 811-015-0010(1) and OAR 811-030-0030.
7

8 3. Licensee recorded less subjective data as the case progressed. There were no more
9 assessment forms or functional rating sheets for the remainder of treatment the last 2 ½ months.
10 This violates ORS 684.100(1)(g)(A), and OAR 811-015-0010(1).
11

12 4. The chart notes were incomplete and inaccurate. They remained the same throughout
13 treatment. The objective and assessment areas of the charts were cut and pasted from visit to
14 visit. Subjective reports varied very little if at all. There was only one treatment plan found in
15 51 visits. There was no indication of any change or progress in the examinations. There were no
16 treatment goals, treatment efficacy markers or outcome measures discussed. This violates ORS
17 684.100(1)(g)(A), OAR 811-015-0010(1)(4) and OAR 811-030-0030.
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19 5. There was no medical history noted in the charts for Patient 1. The records indicate
20 she had been seen previously years ago, but those records nor a history were not present.
21 Without such data, clinical justification for care is not supported especially for 90 planned visits.
22 This violates ORS 684.100(1)(g)(A), and OAR 811-015-0010(4).
23

24 6. X-ray reports showed inconsistencies from exam to exam. Three x ray reports showed
25 hypolordosis. One noted Scoliosis and that was not on the others. Degenerative disc disease was
26 noted on one exam but not the other two. The subsequent lumbar x-ray was not focused to the
27 lumbar spine but opened up to the level of T 9. There was no indication why he had such a large
28 exposure area. The remaining two lumbar x rays did not have thoracic exposure. This violates
29 ORS 684.100(1)(g)(B) and OAR 811-035-0005(1).
30

31 Board Findings

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33 4.

34 On July 16, 2009, the Board considered and adopted the report of the Peer Review
35 Committee finding Licensee in violation of ORS 684.100(1)(g)(A) and (B) and OAR 811-010-
36 0110(7), OAR 811-015-0005(1), 811-015-0010(1) and (4), 811-030-0030, 811-035-0005(1) and
37 811-035-0015, and violating Oregon Chiropractic Practice and Utilization Guidelines for
38 providing care without clinical justification.
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STIPULATIONS

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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 final order. Licensee agrees that he is aware of his right to a hearing with his 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. Licensee will agree to pay a civil penalty in the sum of \$2,000 payable to the Board within 90 days of this final order.
3. Licensee agrees to attend board approved continuing education classes in record keeping and documentation for a total of 8 hours within 6 months of this order becoming final. Licensee agrees to provide verification of completion of these classes to the Board and that these hours are in addition to the 20 hours annual required by the Board.
4. Licensee agrees to be placed on a 2 year probation which includes that the Board or its assigned staff or agent shall have access to Licensee's business premises to examine, review and photocopy Licensee's patient records, to be selected by the Board or representative. Licensee agrees to cooperate in providing the records or that may be considered cause for further discipline.
5. Failure to complete this final stipulated order with the terms so stated, may result in further discipline, up to and including, revocation.
6. This agreement encompasses all stipulations made by the parties and is a public document. This is a public document.

I have fully read and fully understand all of the above facts and agree to the above terms:

IT IS SO ORDERED effective last date signed below:

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signature on file at OBCE

By: _____
Dave McTeague, Executive Director

Date: October 23, 2009

By: _____ **Original signature on file at OBCE.**

Daniel P. Miller D.C.

Date: 20 October 2009