BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS STATE OF OREGON

In the Matter of)
KEVIN MISENHEIMER, D.C.,) Case # 2013-1038, 2014-1001
Licensee.)) STIPULATED FINAL ORDER

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. Kevin Misenheimer, D.C. (hereafter "Licensee"), is currently licensed by the Board to practice as a chiropractic physician in Oregon.

Findings of Fact

The Board received complaints about the treatment provided by Licensee to patients. On June 26, 2014, the Board issued a Proposed Notice of Discipline alleging various allegations in regards to their care. That Proposed Notice of Discipline is hereby incorporated by reference. Licensee requested a hearing on the notice. The Board was concerned about the level of treatment provided to the patients, clinical competency, as well as issues surrounding record keeping, appropriate informed consent to patients and coordination of care with other medical professionals of the patients.

Conclusions of Law

2

If this matter were to proceed to hearing and the Board prevailed, the Board felt that there would be violations of ORS 684.100(1)(f)(A), Failure to do standard differential diagnosis, along with failure to perform a minimally competent examination; OAR 811-015-0010: lack of clinical justification, OAR 811-015-0005 (1) (a): failure keep complete and accurate records, OAR 811-015-0005 (1) (b): failure to identify the patient by name, and the clinic of origin by name and address on every page, failure it identify each chart note entry will by provider of service and author of the record. In addition, violations of OAR 811-015-0006 (3) (a) & (c): disclosure of records (in response to a Board request), failure to provide all requested documents as indicated in the signed Certification of Patient Records and OAR 811-035-0015 (12): altered or fraudulent patient records.

Stipulations

3.

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 neither admits nor denies the above allegations and desires to voluntarily cooperate with the Board. 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. Licensee agrees to waive any right to appeal. The parties wish to settle and resolve the above matter without further proceedings.
- 2. Licensee agrees to immediately surrender his license to practice chiropractic in the State of Oregon. Licensee agrees not to reapply for Oregon licensure in the future.
- 3. Licensee agrees as of the date of the signature of this order, that he will cease practicing chiropractic as defined in Chapter ORS 684 and OAR 811. Licensee agrees that he will not refer to himself in any manner as a chiropractic physician or a doctor of chiropractic from this point forward in any oral, written or printed materials.
- 4. Licensee agrees to be reprimanded.
- 5. Licensee agrees to pay the Board a civil penalty in the sum of \$2,000 to be paid within the next 60 days. Pursuant to ORS 293.231 the Board will refer the amounts owed to collection if it has received no payment on this for more than 90 days. Thereafter, the Board will consider assignment to the Oregon Department of Revenue or a private collection agency for collection. Final fees may include additional percentages for any increase in the amount you owe due to the accrual of interest on the unpaid principal amount.
- 6. If Licensee violates any of the terms of this order, the Board may seek further disciplinary action.
- 7. This matter is reportable to the National Practitioner Data Bank.

/// /// /// /// /// 8. This order is effective on the date signed by the Board and is a public record.

IT IS SO ORDERED this ______ day of September, 2014.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By: Cassandra C. Skinner J.D., Executive. Director

By:

Kevin Misenheimer, D.C.

Dated: 9-17-2014