

Paul J. Smith

Assistant Attorney General

CIRCUIT COURT OF OREGON

FILE # 90-11828-5 ITEM # 9

PAGE 1

Oregon Board of
Chiropractic Examiners

MARION COUNTY

3 OREGON STATE BOARD OF
4 CHIROPRACTIC EXAMINERS

5 Plaintiff,

6 v.

7 FLOYD HAROLD NICKILA, D.C.,

8 Defendant.

Case No. 90C11828-5

STIPULATION

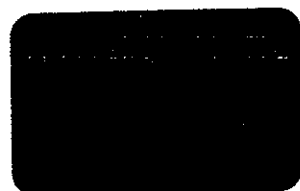
9 1.

10 The Oregon Board of Chiropractic Examiners and Floyd Harold
11 Nickila, D.C. stipulate and agree that the above-captioned case may be
12 concluded by the entry of a permanent injunction restraining and en-
13 joining Nickila from engaging in any aspect of the practice of chiro-
14 practic at any time when he is not actively licensed by the Board.

15 2.

16 Specifically, Nickila agrees that the Board has jurisdiction over
17 the practice of chiropractic within the state of Oregon and of those
18 persons, including himself, who desire to engage in the practice of
19 chiropractic. Nickila further agrees that he was lawfully under
20 suspension by the Board for a period of six months beginning on August
21 13, 1990. Nickila agrees that, between August 13, 1990, and September
22 12, 1990, he engaged in practices which constitute the practice of
23 chiropractic, in spite of the Board's order suspending him. Nickila
24 agrees that he will not practice chiropractic at any time in the
25 future except when he is actively licensed to do so, including, but
26 not limited to:

1 - STIPULATION (DR. NICKILA)



1 a. Ordering, directing, or suggesting to any ancillary
2 personnel or licensed person or any other person what a patient's
3 treatment should consist of or what methods of treatment, treatment
4 plans, billing procedures, or other proposals for patient care
5 should be implemented, however, nothing in this paragraph prevents
6 Nickila from continuing to bill his accounts receivable;

7 b. Interview or discuss with patients or potential patients
8 their complaints, history, proposed treatment, or any other
9 information connected with the patient's chiropractic care;

10 c. Operate, calibrate, position patients on or near, or
11 otherwise engage in any activity connected with an X-ray instrument;

12 d. Produce or complete chart notes, records, or other
13 reports concerning a patient.

14 3.

15 The Board of Chiropractic Examiners agrees that Nickila may
16 maintain his business interest in his chiropractic practice during
17 the period of suspension and may work at the clinic location so
18 long as he complies with the terms of this stipulation and
19 injunction entered in this case.

20 IT IS SO STIPULATED.

21 DATED this 24 day of September, 1990.

[Signature]
Floyd

Original signature on file
at the OBCE office.

[Signature]

22 DATED this 24 day of September, 1990.

Original signature on file
at the OBCE office.

[Signature]
Director

Board of Chiropractic Examiners

26 PJS:ros/8680G

STATE OF OREGON ITEM # 170
 MARION COUNTY PAGE 1
 1990 SEP 24 PM 3:50
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 NOTICE

CIRCUIT COURT OF OREGON
 MARION COUNTY

OREGON STATE BOARD OF
 CHIROPRACTIC EXAMINERS

Plaintiff,

v.

FLOYD HAROLD NICKILA, D.C.,

Defendant.

Case No. 90C11828-5
 PERMANENT INJUNCTION

1.

This matter came before the court on the Complaint and Motion for a Temporary Restraining Order and Preliminary Injunction by the Oregon State Board of Chiropractic Examiners on September 17, 1990. The Board of Chiropractic Examiners had previously suspended Defendant Nickila from the practice of chiropractic for a period of six months beginning on August 13, 1990. The Board alleged that Nickila had continued to practice chiropractic after that time. It appears from the facts shown by the affidavits and exhibits submitted with the Complaint and Motion that this is a proper case for the entry of an Injunction pursuant to ORS 676.220.

2.

Furthermore, Defendant Nickila, through his attorney, James D. Vick, has stipulated to the entry of a permanent injunction restraining him from engaging in any aspect of the practice of chiropractic when he is not actively licensed by the State Board of Chiropractic Examiners.



3.

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

That Floyd Harold Nickila is enjoined from engaging in any aspect of the practice of the chiropractic profession for the period of six months which began on August 13, 1990, and during such other periods when Nickila is not actively licensed by the Oregon State Board of Chiropractic Examiners.

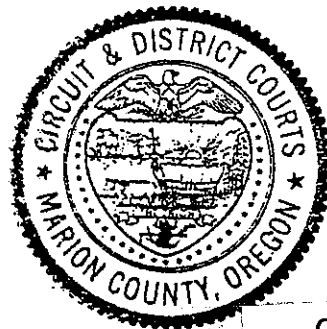
4.

This injunction is binding on Floyd Harold Nickila, his officers, agents, servants, employees, and attorneys, and upon the persons in active concert or participation with him, or any of them who receive actual notice of this decree by personal service or otherwise. Violations of this decree may be punishable as provided in ORS 33.010 et seq.

DATED this 24 day of September, 1990.

Original signature on file at the OBCE office.

Circuit Court Judge



STATE OF OREGON } ss.
County of Marion }
The foregoing copy has been compared and is certified by me as a full, true and correct copy of the original on file in my office and in my custody.
In Testimony Whereof, I have hereunto set my hand and affixed the seal of the
Court on: 9/24/90
TRIAL COURT ADMINISTRATOR

Original signature on file at the OBCE office.

Prepared by:
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8546G/tmt