



1 instructions to determine if the chart notes meet the minimal  
2 requirements.

3  
4 4.

5 Licensee was interviewed by the Peer Review committee with  
6 his attorney present on February 19, 1998.

7  
8 5.

9 The OBCE reviewed the report of the Peer Review Committee on  
10 March 19, 1998. The OBCE made the following findings:

11  
12 1. Licensee was unable to show specifically where he had made  
13 changes or improvement in his record keeping.

14  
15 2. Licensee's charting continues to be markedly substandard,  
16 and has not significantly improved. What daily notes are  
17 present are incomplete and confusing; he lists neither  
18 -objective findings nor treatment; progress notes are not  
19 charted, there are not written range of motion, deep tendon  
20 reflexes or sensory exam procedures recorded.

21  
22 3. None of the Peer Review committee would be able to assume  
23 care of any patient based on the records reviewed.

24  
25 4. Licensee's diagnostic process is inadequate. Licensee does  
26 not have an adequate understanding of basic orthopedic and  
27 neurological components of the exam process as it relates to  
28 differential diagnosis and subsequent treatment.

1  
2 6.

3 The conduct described in Section 5 <sup>2</sup>~~(1)~~, <sup>3</sup>~~(2)~~ and  
4 <sup>4</sup>~~(3)~~ constitutes violations of ORS 684.100(1)(g)(A), OAR 811-015-  
5 0005(1) and the Practice and Utilization Guidelines, Chapter 1,  
6 Section 4(b), 1, 2, and 3. They further violate the terms of the  
7 probation contained in the stipulated final order pursuant to OAR  
8 811-035-0015 (23).

9 7.

10 The OBCE proposes to require Licensee to take the National  
11 Board of Chiropractic Examiners Special Purposes Examination for  
12 Competency (SPEC) at the earliest possible date, pursuant to ORS  
13 684.100 (6) and (7), and OAR 811-010-0089.

14  
15 8.

16 The OBCE proposes that Licensee's license will be  
17 immediately suspended from the practice of chiropractic, if  
18 the OBCE receives notification of a failing score from the  
19 SPEC examination. The suspension will remain in effect until  
20 licensee presents the OBCE with a final score demonstrating  
21 passage of the SPEC competency examination.

22  
23 9.

24 The OBCE proposes that Licensee will remain on probation  
25 under the terms of the June 19, 1997 Stipulated Final Order  
26 signed June 19, 1997 until the SPEC examination results are  
27 final. Upon passage of the SPEC examination, and the  
28 conclusion of any suspension for failure to pass such test,

1 Licensee may return to the active practice of chiropractic  
2 provided his license is current and all requirements have been  
3 met. The OBCE proposes that Licensee will remain on probation  
4 for 24 months from the date of successful passage of the SPEC  
5 examination, with the same requirements for review of patient  
6 files and chart notes as provided in the stipulated final  
7 order signed June 19, 1997.

8  
9 10.

10 The OBCE proposes that Licensee shall pay costs of this  
11 disciplinary proceeding, including investigative costs and attorney  
12 fees pursuant to ORS 684.100(9)(g).

13  
14 11.

15 Licensee has the right, if Licensee requests, to have a  
16 formal contested case hearing before the OBCE or its hearings  
17 officer to contest the matter set out above. At the hearing,  
18 licensee may be represented by an attorney and subpoena and cross  
19 examine witnesses. That request for hearing must be made in  
20 writing to the OBCE, must be received by the OBCE within 21 days  
21 from the mailing of this notice (or if not mailed, the date of  
22 personal service), and must be accompanied by a written answer to  
23 the charges contained in this notice.

24  
25 12.

26 The answer shall be made in writing to the OBCE and shall  
27 include an admission or denial of each factual matter alleged in  
28 this notice, and a short plain statement of each relevant

1 affirmative defense licensee may have. Except for good cause,  
2 factual matters alleged in this notice and not denied in the  
3 answer will be considered a waiver of such defense; new matters  
4 alleged in the answer (affirmative defenses) shall be presumed to  
5 be denied by the agency and evidence shall not be taken on any  
6 issue not raised in the notice and answer.

7  
8 13.

9 If licensee requests a hearing, before commencement of that  
10 hearing, licensee will be given information on the procedures,  
11 rights of representation, and other rights of the parties  
12 relating to the conduct of the hearing as required under ORS  
13 183.413-415.

14  
15 14.

16 If licensee fails to request a hearing within 21 days, or  
17 fails to appear as scheduled at the hearing, the OBCE may issue a  
18 final order by default and impose the above sanctions against  
19 licensee. Licensee's submissions to the OBCE to-date regarding  
20 the subject of this disciplinary case and all information in the  
21 OBCE's files relevant to the subject of this case automatically  
22 become part of the evidentiary record of this disciplinary action  
23 upon default for the purpose of proving a prima facie case.

24  
25 Dated this 14 day May 1998.

26 BOARD OF CHIROPRACTIC EXAMINERS  
27 State Of Oregon  
28

Original signatures on file  
at the OBCE office.

By: \_\_\_\_\_

Dave McTeague, Executive Director

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

CERTIFICATE OF SERVICE

I certify that on MAY 14, 1998, I served the foregoing Harold Nickila, D.C. upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Harold Nickila, D.C.  
973 Market St. NE  
Salem, OR 97301

Original signatures on file  
at the OBCE office.

---

David R. Laborico  
Investigator