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Conclusions of Law

2.

If this matter were to proceed to hearing, the Board would find, and Licensee denies, Licensee fell below the minimum standards in violation of ORS 684.100(1)(f)(A) and (B), and OAR 811-015-005(1)(a) and (b), as follows: by not keeping complete documentation regarding his encounters with Patient; and when unable to conduct an adequate orthopedic examination, by not first obtaining Patient's urgent care records, or first requiring Patient to obtain imaging studies in the absence of those records, prior to providing Patient with contraindicated massage and ultrasound.

Stipulations

3.

Therefore, pursuant to ORS 684.100(9)(b), (f) and (g) the Board orders:

1. The parties have agreed to enter this Stipulated Final Order (Order).

Licensee agrees 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 proceeding.

2. Licensee will be mentored by a Board approved Mentor for a minimum of two years and successfully complete the mentoring plan. The Mentor will determine the number of meetings required. At any time that Licensee ceases active practice, his license lapses or he changes to inactive status, this will not count towards completion of the mentoring plan period. The Mentor will be a licensed Oregon Chiropractic physician chosen by the Board who will sign a personal services contract with the Licensee for this service. The calculation of time for the mentoring plan will begin with the initial visit with the Mentor (April 9, 2015). The mentoring plan will focus on improved

1 documentation procedures, examination procedures, and appropriate clinical justification  
2 for treatments rendered and will ensure compliance with current statutes and rules and  
3 address all issues identified in the proposed notice of discipline.

4         The Mentor will be responsible to review charts and report any findings to the  
5 Board that are appropriate. The Mentor will perform file pulls and reviews of records  
6 and billings of Licensee's case work and make periodic reports to the Board on  
7 Licensee's progress at meeting minimum standards of chiropractic health care. Licensee  
8 agrees to cooperate with the mentoring agreement and must allow the Mentor to enter  
9 Licensee's business premises to examine and review Licensee's patient or other records  
10 to determine compliance with the terms of this Order for the duration of this mentoring  
11 plan. If the Mentor requests, and with the patient's agreement, Licensee will allow the  
12 Mentor to observe a patient encounter. As part of their periodic reports, the Mentor may  
13 at any time pull patient files for the Board's review. In addition, Licensee agrees that the  
14 Board, or its representative, will also request files be pulled during this two year period to  
15 review Licensee's compliance with the mentoring requirements. These file pulls will  
16 occur no more than twice a year during the mentoring period.

17         The financial compensation for the mentoring doctor will be at Licensee's  
18 expense which will be due and payable to the Mentor. The Mentor will provide periodic  
19 billings for services to Licensee, who will send payment for those services to the Board,  
20 who will in turn, forward those payments to the Mentor. This will assure that mentoring  
21 is occurring. It will be Licensee's responsibility to stay current with his mentor fees. The  
22 hourly rate will be determined by the Mentor in agreement with the Licensee, plus  
23 mileage at the state rate. Successful completion of the mentoring plan also requires this  
24 financial obligation be met. Failure of Licensee to fully cooperate with the Mentor and  
25 the mentoring plan will be grounds for future disciplinary action.

