

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of:

Kris Pollack D.C.

Licensee.

Case # 2018-1026

STIPULATED FINAL ORDER

The Oregon Board of Chiropractic Examiners (Board) is the state agency responsible for licensing, regulating, and disciplining chiropractic physicians in the State of Oregon. Kris Pollack, D.C. (Licensee), is currently licensed by the Board to practice as a chiropractic physician in Oregon and is subject to the jurisdiction of the OBCE.

1.

In 2018, the Board received complaints that Licensee was under the influence and/or impaired while performing treatment to patients. The Board investigated the matter and on January 18, 2019 signed with the Licensee an Interim Consent Order agreeing to a substance abuse evaluation, abstaining of any alcohol or drugs, and to abide by that restriction pending the outcome of the investigation.

2.

Licensee was evaluated and was found to have a diagnosis of alcohol use disorder by a Board approved evaluator. The evaluator concluded Licensee would benefit from physician monitoring services. He did not require inpatient or intensive outpatient treatment.

3.

The allegations as noted above in paragraph 1 include unprofessional conduct and habitual use and abuse of alcohol. In addition, the Board received allegations of Licensee being impaired while providing care and potentially causing injury to a patient during treatment. If

proven, these would be violations of ORS 684.100(1)(e), (f) and (A) and (C) and, OAR 811-035-0015(13). Licensee denies these allegations.

Conclusions of Law

4.

The Board finds that Licensee has acted with unprofessional conduct and habitual use and abuse of alcohol. In addition, the Board received allegations of Licensee being impaired while providing care and potentially causing injury to a patient during treatment. If proven, these would be violations of ORS 684.100(1)(e), (f) (A) and (C) and, OAR 811-035-0015(13).

Stipulations

5.

Therefore, pursuant to ORS 183.417(3) and ORS 684.100(9)(e), the OBCE orders:

1. The parties have agreed to enter this stipulated 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. 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 comply with and complete the following:
 - a. Licensee has completed a Board approved substance abuse evaluation regarding alcohol abuse. Since signing the interim stipulated order, Licensee has made efforts to demonstrate compliance with recommended after care for the recommended period.
 - b. Licensee will be able to prove and document a minimum of six months of continuous sobriety. Sobriety means not under the influence of any

illegal substances, alcohol, drugs or mind-altering substances.

Documentation means a minimum of 12 random UAs during this period.

- c. Licensee will continue in his after- care program.
- d. Licensee will take and successfully pass the EBAS test within a six month period this order becomes final.
- e. Items a, b, and c above will be at Licensee's own expense.

3. Licensee is placed on probation and must participate in ongoing substance abuse prevention program for a minimum of five years. The probation begins on January 18, 2019. Treatment and monitoring may be concluded upon demonstration to the Board that Licensee has successfully completed all treatment programs and is in a proven period of sobriety. While on probation, Licensee agrees to undergo urine drugs screens with a comprehensive panel of drugs specifically tested for health professionals of a frequency not less than 24 for the first year and 12 for the second and third year and a minimum of 6 for the remaining years. Licensee agrees that a medical review officer will interpret the results of the drugs screens and that this is at Licensee's cost. The Board may elect to extend the probation time period if Licensee tests positive for any drugs or controlled substances or is found to have used these substances contrary to this agreement. Licensee must demonstrate good ongoing recovery by having a home group, a sponsor, and actively working with other recovering addicts. He must be involved in meetings at least twice a week. After his five year period of probation, Licensee will be reevaluated by a Board approved substance abuse evaluator.

4. Licensee is required to report positive results of abuse within a 72 hour period. Licensee agrees to report to the Board, within three business days, if he is cited or arrested for a felony or misdemeanor or if convicted of a felony or misdemeanor.

5. During probation, Licensee will have an office monitor who will be a mandatory reporter to the Board of any violations. This individual shall not have a personal relationship with Licensee and will be responsible for informing the Board if his behavior begins to change or deteriorate. An agreement will be signed by both parties that the office monitor will not face any negative repercussions for reporting and that the monitor may report without Licensee's knowledge. (This excludes any negative repercussions inferred from any potential future closure of the clinic) If the office monitor leaves employment or is no longer able to serve in this capacity, the Licensee shall notify the Board of a new qualified monitor who will be appointed under the same conditions.

6. During probation, Licensee will appear before the Board annually.

7. Licensee shall abstain from the use of all mood-altering chemicals, including alcohol and any substances including prescriptive and non-prescriptive drugs. Any use of medications by Licensee must be recommended and approved by a personal physician; with the knowledge of the Board. Licensee shall instruct all of the professionals participating in his treatment plan to promptly respond to the Board of Chiropractic Examiners' inquiry concerning Licensee's compliance with the treatment plan and to immediately report to the Board any positive test results or any serious failure to fully participate by Licensee. Licensee shall instruct the foregoing

professionals to make quarterly reports to the Board of Licensee's progress and compliance with the treatment plan.

8. Licensee waives all privilege with respect to any physical, psychiatric, or psychological evaluation or treatment in favor of the Board for purposes of determining compliance with this Order, or the need to, or the appropriateness of, modifying this Order, and will execute any waiver or release the board requests.

9. Licensee shall not apply for release from probation any earlier than five years from the original date of this order.

10. If Licensee violates any of the terms of this order, the Board may refuse to consider Licensee's request. The Board may issue additional discipline up to and including revocation.

11. If Licensee moves to another state during the pending of this order at any time, the requirements are tolled during that time period.

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

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signatures are available in OBCE administrative office.

By:

Cassandra C. McLeod-Skinner, J.D.
Executive Director

Original signatures are available in OBCE administrative office.

By:

Kris Pollack, D.C.

Dated:

7/31/19