



Oregon

John A. Kitzhaber, M.D., Governor

Oregon Board of Chiropractic Examiners
3218 Pringle Road SE
Suite 150
Salem, OR 97302-6311
(503) 378-5816

June 1, 1999

James Z Said, DC, ND
1970 Ashland St.
Ashland, Oregon 97520

**Re: Case # 98-1008 Final Order
Letter of Reprimand**

Dear Dr. Said,

Enclosed is the Final Order and this Letter of Reprimand for violations of OAR 811-015-0004 (1) and (2) (dual license reporting requirements).

You must clearly differentiate your patient care in your charts so that it may be determined if you are providing care under your chiropractic license or your naturopathic license, or both.

You are also advised to take note of the Peer Review Committee's concerns. If another chiropractic physician is required to assume the care of one of your patients, he/she must be able to read and understand your charts. You are also advised to read and understand the Oregon Chiropractic Practice and Utilization Guidelines and Oregon Administrative Rules Chapter 811.

Sincerely,

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director

enclosure



BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS
FOR THE STATE OF OREGON

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In The Matter of) FINAL ORDER
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James Z. Said, DC)
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Licensee) Case # 98-1008

1.

The Oregon Board of Chiropractic Examiners (OBCE) is a state agency responsible for licensing and regulating chiropractic in the State of Oregon. James Said, DC, (Licensee), is a licensed chiropractic physician subject to the jurisdiction of the OBCE. Licensee is also a licensed naturopathic physician (ND).

2.

A complaint was received by the OBCE concerning Licensees care regarding patient D.D. questioning whether Licensee's treatments were within regarding Licensee's scope of practice. Initial review of this complaint by the OBCE resulted in a referral to the Peer Review Committee to consider, among other things, the medical necessity for treatment. The OBCE did determine that nowhere in the

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3 chart notes did Licensee identify whether he was providing care
4 under his DC license, his ND license or both.
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11 The Peer Review Committee reviewed patient files for
12 patients A.A., B.B., C.C., D.D., and E.E.; and conducted an
13 interview with the Licensee. The Peer Review Committee found that
14 none of the Peer Review members could assume the care of these
15 patients' cases and that the patient records were severely
16 deficient in supporting the need for chiropractic care. The
17 committee found that the examination findings did not relate to
18 the subjective findings. Furthermore the examination findings did
19 not meet the minimum standard of care in order to determine if
20 the patient was a candidate for chiropractic care prior to
21 providing that care. There was no initial assessment documented
22 by Licensee that conforms to current professional standards.
23 There was no documented treatment plan and therefore the
24 treatment plan could not have related to the exam or subjective
25 findings since it did not exist. And the diagnosis is not
26 consistent with clinical presentation of these patients.
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The Peer Review Committee found violations of OAR 811-015-
0004 (1) and (2) (dual license reporting requirements); 811-015-

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0010 (1 and (2) (excessive treatments and OCPUG standards); 811-
035-0005 (4) (excessive treatments OCPUG); 811-035-0015 (4)
unprofessional conduct (outside scope of practice); and 811-015-
0070 (ETSDP scope of practice concerning examinations, tests,
substances, devices and procedures).

5.

Licensee told the Peer Review Committee that he integrates energy medicine and chiropractic in a seamless fashion when providing care to his patients. He was specifically questioned about what care was provided under his ND license and what care was provided under his DC license. He indicated that he could not separate them because his mind just did not work that way. When pushed to separate under which license the care was provided, he indicated that when he palpated or adjusted he was performing chiropractic care. The other things he did were related to his energy medicine which he did not indicate was either specific to his DC or ND practice. He repeated stated during his interview that his mind does not work to separate the types of care he provides. He reported that he could feel this energy, see it, and measure it.

The Peer Review Committee report states "One of the biggest issues that concerned the Peer Review committee was that Dr. Said

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3 treated patients and did not delineate what care was provided
4 under his DC or ND license. (Dr. Said) also used psychotherapy in
5 his non-delineated practice in violation of the chiropractic
6 scope of practice. Use of psychotherapy would not be in
7 violation of the naturopathic scope of practice, as we understand
8 it."
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18 The Oregon Board of Chiropractic Examiners considered the
19 Peer Review Committee's report at their March 18, 1999 meeting.
20 They accepted the Peer Review Committee's report which found
21 numerous violations of administrative rules. However the Board
22 was unable to determine the extent to which Licensee was
23 practicing as a naturopathic physician as opposed to a
24 chiropractic physician in the care and treatment of the above
25 listed group of patients. Therefore the Board was prevented from
26 making a determination of specific violations of Oregon
27 Administrative Rules 811-015-0010 (1 and (2) (excessive
28 treatments and OCPUG standards); 811-035-0005 (4) (excessive
29 treatments OCPUG); 811-035-0015 (4) unprofessional conduct
30 (outside scope of practice); and 811-015-0070 (ETSDP scope of
31 practice concerning examinations, tests, substances, devices and
32 procedures).
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4 Therefore, the OBCE finds Licensee is in violation of OAR
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6 811-015-0004 (1) and (2) (dual license reporting requirements)
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8 for failing to note on his charts notes for patients A.A., B.B.,
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10 C.C., D.D., and E.E. whether he was treating them as a
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12 chiropractic physician, as a naturopathic physician, or both.
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21 Licensee responded to the proposed notice of discipline on
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23 May 12, 1999, and agreed the facts as alleged in Section 7 are
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25 true and accurate. Licensee also provided the OBCE with an
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27 additional written statement, requested a hearing and waived his
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29 right to appear.
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37 Therefore the OBCE orders Licensee shall be issued a Letter
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39 of Reprimand, Licensee is placed on probation for two years and
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41 Licensee shall allow the OBCE or it's representative to enter
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43 Licensee's business premises to examine, review and photocopy
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45 Licensee's patient records and chart keeping notations to ensure
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47 that Licensee complies with the minimum requirements of ORS
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49 chapter 684 and OAR Chapter 811 with regards to chart notes,
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51 history, examination records, and compliance with Oregon
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Chiropractic Practice and Utilization Guidelines (OCPUG).

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2 Licensee may not refuse such examinations and requests for
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4 photocopies of file entries by the OBCE or its representative.
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11 Licensee shall pay costs of this disciplinary
12 proceeding in the amount of \$1,155.
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21 DATED this 1st day of June, 1999
22 Board of Chiropractic Examiners
23 State of Oregon
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25

26 Original signature on file
27 at the OBCE office.
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30 _____
31 Dave McTeague,
32 Executive Director
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38 **NOTICE:** You are entitled to judicial review of this order pursuant to the
39 provisions of ORS 183.480. Judicial Review may be obtained by filing a
40 petition in the Oregon Court of Appeals. The petition must be filed within 60
41 days from the date of service of this order.
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VERIFICATION

State of Oregon)
County of Marion)

I, Dave McTeague, being first duly sworn, state that I am the Executive Director of the Board of Chiropractic Examiners of the State of Oregon, and as such, am authorized to verify pleadings in this case: and that the foregoing Final Order is true to the best of my knowledge as I verily believe.

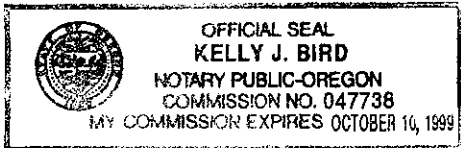
Original signature on file
at the OBCE office.

DAVE McTEAGUE, EXECUTIVE DIRECTOR
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me

this 1st day of June, 1999.

Original signature on file
at the OBCE office.



NOTARY PUBLIC FOR OREGON
My Commission Expires: 10/10/99

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CERTIFICATE OF SERVICE

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I certify that on *June 1, 1999*, I served the foregoing Final Order upon the parties hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

James Z. Said, D.C.
1970 Ashland Street
Ashland, Oregon 97520

Original signature on file
at the OBCE office.

Dave McTeague, Executive Director