



BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS STATE OF OREGON

OREGON BOARD OF CHIROPRACTIC EXAMINERS

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In the Matter of

Mark Schroering, D.C.

Licensee.

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STIPULATED FINAL ORDER

Case # 2008-1005

The Board of Chiropractic Examiners (Board) is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Mark Schroering, D.C. (Licensee), is licensed by the Board to practice as a chiropractic physician in the State of Oregon. The Board proposes to discipline Licensee for the following reasons.

Findings of Fact

1.

In response to a complaint, the Oregon Board of Chiropractic Examiners directed the Peer Review Committee to review the complaint in regards to Licensees treatment of Patient 1. The review included review of patient files, correspondence, billing information and the Licensees response. Licensee was interviewed by the Peer Review Committee on August 21, 2008. The Board reviewed and accepted their findings at their September 18, 2008 meeting.

2.

The complaint stated that Licensee told Patient 1 she and her son would need a years worth of care as a result of a motor vehicle accident, that the charges for the care received were excessive, that massage was provided by someone other than the doctor and the Licensee failed to release records upon request.

3.

After review of the information provided as stated in paragraphs 1 and 2, the Peer Review Committee found the following: Licensee did not have a good working knowledge of the CPT definitions or their appropriate use; Licensee used codes for services that were not supported by his documentation or his report to the committee, the chart notes were illegible to the point that Licensee had difficulty reading his own handwriting when responding to the committees questions, that Licensee allowed his wife to use a massage machine to treat a patient on certain visits, and that she was not licensed as a chiropractic assistant, and that a relief doctor would not be able to assume care for this patient.

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7 Chart notes provided did not meet minimal competency. The chart notes provided by  
8 Licensee were illegible to the point that Licensee had difficulty reading his own handwriting in  
9 response to answer questions posed by the committee. A relief doctor would not be able to  
10 assume care for this patient due to the notes being illegible, there was no treatment plan found  
11 within the submitted records, and the diagnosis listed on the front of the chart was a working  
12 compilation based on daily subjective complaints. There was no indication how these multiple  
13 diagnoses were determined, or if this information was shared with the patient.  
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16 Licensee allowed his wife to use a massage machine to treat a patient on certain visits.  
17 His wife is not licensed as a Chiropractic Assistant or a Licensed Massage Therapist in the state  
18 of Oregon. Licensee said that she did have training as a nurse, however, there is no record of her  
19 having a nursing license in the state of Oregon, nor that she holds any professional license.  
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23 Licensee disagrees with Peer Review's Committee findings regarding his use of CPT  
24 codes but is willing to address this issue through further continuing education. Licensee believes  
25 a relief doctor would be able to assume care for this patient and Licensee believes he has made  
26 significant efforts to document and justify his patient care.  
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### 28 **Conclusions of Law**

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32 Licensee's chart notes were found by the Peer Review Committee and the Board to be  
33 below the standard expected of a chiropractic physician practicing in Oregon. This is in violation  
34 of ORS 684.100(1)(A) and OAR 811-015-0005(1) in not keeping accurate records on the  
35 patients in this case, including but not limited to legible notes, and updated treatment plans.

36 Licensee allowed his wife to use a massage machine to treat a patient on certain visits.  
37 This is in violation of ORS 684.100(1)(A), (1)(n) and OAR 811-035-0015(10) for unlicensed  
38 practice.  
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### 44 **Stipulations**

Therefore, pursuant to ORS 183.415(5) and ORS 684.100(9)(e) the OBCE orders:

1. The parties have agreed to enter this stipulated final order. Licensee agrees to the entering of this 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. The signature of this order also waives any right to appeal. The parties wish to settle and resolve the above matter without further proceedings.
2. Licensee will agree to pay a civil penalty in the sum of \$500 payable to the Board within 30 days of this final order.
3. Licensee is required to sit for 12 hours board approved continuing education class or classes on the topics of billing and coding, and record keeping in addition to the required amount of continuing education for licensure. Licensee has proposed and the Board accepts that Dr. Verne Saboe will mentor Licensee at his office in Albany in regards to charting and he may instruct Licensee in the record keeping/ chart note program that he has developed. Dr. Saboe will also identify and oversee Licensee's viewing of appropriate billing and coding and any other courses in order to address the coding, billing and charting issues identified by the Peer Review Committee and the Board. Dr. Saboe may review the Board's case file in this regard as long as he agrees to maintain the confidentiality of this file.
4. Within the next two years following six months after this order becomes final, Licensee will allow the OBCE's representative to enter Licensee's business premises, after notice, to examine, select at random, review, and photocopy a limited number (typically three files per review) of Licensee's patient and billing records to determine compliance with the terms of this order;
5. Licensee will come into compliance with administrative rules listed in this Stipulated Final Order.

I have fully read and fully understand all of the above facts and agree to the above terms:

IT IS SO ORDERED effective last date signed below;

BOARD OF CHIROPRACTIC EXAMINERS  
State of Oregon

Original signature on file at OBCE.

By:

Dave McTeague, Executive Director

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Date: 1/14/09

Original signature on file at OBCE.

By:

Mark Schroering D.C.

Date:



Mark Schroering, DC  
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