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JUN 16 2014

OREGON BOARD OF CHIROPRACTIC EXAMINERS

BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS STATE OF OREGON

In the Matter of ) STIPULATED FINAL ORDER
) (Extending Probation)
Christian K. Schuster DC )
) Case #2013-5016
License 1789 )

The Board of Chiropractic Examiners (Board) is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Christian K Schuster DC (Licensee) is licensed by the Board to practice as a chiropractic physician in the State of Oregon.

Findings of Fact

1.

The findings and conclusions of the Final Order issued on July 16, 2009 in Case No. 2006-1032 et al. are incorporated herein. Following an interview with Licensee on September 27, 2012, the Board determined that Licensee was in violation of his Final Order in Case # 2006-1032 et. al. for not meeting the conditions of his probation and not successfully completing his mentoring. A new Stipulated Final Order in Case #2012-4022 was issued on October 26, 2012, extending Licensee's probation and mentoring. In that extension, Licensee agreed to complete his mentoring program and fulfill the requirements of the July 2009 final order.

2.

On July 3, 2013, Licensee's Mentor informed the Board that Licensee was failing his probation as follows:

- a. Licensee improved somewhat in his charting, but the Mentor found he still continued to revert back to old ways of charting, which was apparent to the Mentor when reviewing Licensee's examination and x-ray reports.
b. Recommendations made to Licensee by the Mentor were not implemented in reviewing files in July of 2013. Mentor had provided numerous examples of cases, daily chart notes, examinations, x-ray reports and history in addition to reading assignments and various meetings to coach Licensee to change his style of chart noting. During his review of records in July of 2013, the Mentor concluded Licensee had embraced and adopted the daily chart entries, but had not consistently utilized his new software or made all other recommended changes. The Board determined the Licensee was not implementing the recommendations made by the mentor to make his chart notes minimally competent and within the standard of care.

- c. The Mentor found that Licensee's documentation was significantly lacking in areas of standard orthopedic/neurological examination and was not utilizing the standard x-ray format for radiology reports.
- d. The Mentor found that although Licensee did purchase documentation computer software to implement records changes, Licensee's patient records were still not consistently in order.

After review of the Mentor's findings, the Board found on July 18, 2013, that Licensee failed to perform the requirements and was in violation of his final orders of July 16, 2009 and October 24, 2012. As a result, the Board voted on July 18, 2013 to impose the stayed suspension from the July 16, 2009 final order. The Board alleged that Licensee's conduct was in violation of ORS 684.100(1)(f)(A) and OAR 811-035-0015(23).

3.

On September 12, 2013, the Board issued a Notice of Proposed Disciplinary Action proposing: (a) to impose the remaining suspension from the original 2009 Final Order and suspend Licensee's chiropractic license due to the aforementioned violations for a period of two years and 9 months; and (b) that Licensee must take and pass the NBCE Special Purposes Examination for Competency (SPEC) before being allowed to return to practice.

Following discussion with the Board, Licensee took and passed the SPEC examination. In addition, Licensee submitted to the Board updated examples of his documentation following full implementation of his electronic medical record software.

#### Conclusions of Law

4.

The Board finds that in July of 2013, Licensee was in violation of ORS 684.100 (1)(f)(A); OAR 811-035-0015 (23) (Disobeying a final order of the Board), 811-015-0005 (Records) and OAR 811-015-0010 (Clinical Justification).

#### Stipulations

5.

Therefore, pursuant to ORS 183.415(5) and ORS 684.100(9)(b) 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. By stipulating to this order, Licensee does not admit to the findings of fact or conclusions of law, but wishes to resolve this case with the Board on the terms that follow.
2. Licensee and the Board agree Licensee's probation will be extended one year from the effective date of this final order.

