BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS STATE OF OREGON

In the Matter of)	
)	Case # 2018-5006
Haily Smith,)	
Applicant for Certified Chiropractic Assistant)	
)	Stipulated Final Order
)	
)	

The Oregon Board of Chiropractic Examiners (Board or OBCE) is the state agency responsible for licensing, regulating, and disciplining chiropractic physicians and certified chiropractic assistants in the State of Oregon. Haily Smith (Applicant), applied for certification as a certified chiropractic assistant in Oregon.

Findings of Fact

1.

On January 30, 2018, the Board received Applicant's application for a certificate to practice as a certified chiropractic assistant in Oregon. On question five of the application, where Applicant was asked if she had ever been arrested or charged with a violation, misdemeanor, or felony, Applicant responded yes. Applicant also answered yes to question seven, that she had pled guilty or no contest to any offense, misdemeanor, or felony which could have resulted in imprisonment in the State of Oregon.

In her background check, the Board found that Applicant had been charged on June 1, 2014, for DUI, and arrested on November 3, 2014, for misdemeanor harassment and disorderly conduct and on August 12, 2015, for Assault 4 - Domestic Abuse. Applicant was charged with a DUI and was required to complete alcohol treatment and complete a program. Applicant did not originally comply with the diversion and it was noticed for revocation; but eventually the charge was diverted. The other arrests did not result in any convictions.

2.

Applicant has since gotten the arrests and convictions as noted above expunged from her criminal record.

Conclusions of Law

3.

The Board finds that the acts and conduct of Applicant in her original application and responses to such, are cause to refuse to grant a certificate to Applicant. The arrest and conviction history as noted above, is a violation of OAR 811-010-0110(15)(a), (b) and OAR

811-010-0110(16)(m) unprofessional or dishonorable conduct and conviction of a misdemeanor involving moral turpitude or a felony. The Board also finds, pursuant to ORS 670.280(3), the arrest history and convictions are substantially related to the fitness and ability of the Applicant to engage in the activity for which the license is required. Pursuant to ORS 684.100(9)(g) the Board requests the costs of discipline.

Agreement

4.

This matter having come properly before and been considered by the Board, Applicant having voluntarily stipulated and consented to the issuance and entry of this order by signing below:

IT IS HEREBY ORDERED THAT:

- 1. Applicant will be granted her certificate to practice as a Certified Chiropractic Assistant.
- Applicant will cause a letter to be sent to the Board within 14 days of her employment, from any current or future chiropractic employers, that they have been informed of her conviction history. Failure to do so will be considered a violation of this order.
- 3. Applicant will be on probation for a period of one year that begins from the date this order is signed by the Board. Applicant will abstain from any criminal or law enforcement interaction or activity and, if she is involved in any, will notify the Board within a reasonable period of time.
- 4. Failure to abide by the terms of this Stipulated Final Order will result, after investigation and due process, in the revocation of the Certified Chiropractic Assistant certificate.

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5. By signing this stipulated final order, Applicant understands that she has been advised of her right to request a hearing on this matter and agrees to waive this right to a hearing or appeal of this matter.

Date:

Original signatures are on file in OBCE office.

By:

Haily Smith, Applicant

BOARD OF CHIROPRACTIC EXAMINERSState of Oregon

Date: 11/26/18 By:

Original signatures are on file in OBCE office.

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

Oregon Board of Chiropractic Examiners