

BEFORE THE

BOARD OF CHIROPRACTIC EXAMINERS

STATE OF OREGON

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In the Matter of the license of )  
ROGER STEWART, D.C. )  
Licensee. )

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FINAL ORDER  
IN CONTESTED CASE

THIS MATTER came on for hearing at the duly noted time and place, 8:30 a.m., June 18, 1992, at Room 140 of the State Office Building, 800 NE Oregon Street, Portland, Oregon 97232, in response to a Notice of Proposed Sanctions against Roger Stewart, D.C. (Stewart), a chiropractic physician licensed by the Oregon Board of Chiropractic Examiners (Board). Stewart had been noticed by the Board that it would require Stewart to attend and provide proof of attendance at three consecutive quarterly meetings of the Oregon X-Ray Council in 1992, and that, after providing proof of attendance, Stewart must provide for Board review three sets of cervical x-rays and three sets of lumbar x-rays of separate patients, to be selected by the Board or its representative.

Board members present were Gary Zimmerman, D.C., Presiding Officer, Richard Gorman, D.C., Bonnie McDowell, D.C., Steven Gardner, D.C., and Mitzi Naucler. Paul J. Sundermier, Assistant Attorney General, presented the case for the State of Oregon. Dr. Stewart was not represented by legal counsel.

Testimony was taken from Susan Yazvac, D.C., as an expert witness on behalf of the State. Testimony was also taken from Dr. Stewart. No evidence was offered or admitted into evidence.

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After hearing the testimony, the Board heard closing arguments and closed the hearing. The Board then deliberated in Executive Session and thereafter announced in open public session the following:

#### FINDINGS OF FACT

1. Dr. Stewart took two sets of lumbar spine x-rays which were of substandard quality in that they lacked adequate contrast.

2. The second set of x-rays was taken to improve the diagnostic quality of the first.

3. While the second set was better than the first set, it was still of substandard quality.

#### ULTIMATE FINDINGS OF FACT

1. Dr. Stewart's x-rays of patient were of non-diagnostic quality relative to their diagnostic value.

2. Dr. Stewart violated ORS 684.100(1)(g)(A) and (B) and OAR 811-30-020(5) which state, "X-ray films are subject to review by this Board (with consultation and evaluation assistance as necessary) to determine quality. Poor quality x-rays can place a license in jeopardy or give cause for restricting practice with x-ray exclusion for an indefinite period".

#### OPINION

A probable cause of the poor quality x-rays is depleted chemicals used in the processing of the films.

#### ORDER

Dr. Stewart is ordered to send to the OBCE three sets of cervical x-rays and three sets of lumbar x-rays of separate patients to be selected by the Board or its representative within the next 60 days from the date of this order.

DATED this 19 day of June, 1992.

OREGON BOARD OF CHIROPRACTIC EXAMINERS

Original signature on file  
at the OBCE office.

By: \_\_\_\_\_

Christie Joachim/  
Executive Director

NOTICE: You are entitled to judicial review of this Final Order pursuant to the provisions of ORS 183.480. Judicial review may be obtained by filing a petition in the Oregon Court of Appeals. The petition must be filed within 60 days from the date of service of this Final Order.

CERTIFICATE OF MAILING

The above Final Order was mailed by first class mail to Roger Stewart, D.C. at: 725 S.E. First Ave.  
CANBY, OREGON, on the 22<sup>ND</sup> day  
of JUNE, 1992.

Original signature on file  
at the OBCE office.