



Oregon

Theodore R. Kulongoski, Governor

Oregon Board of Chiropractic Examiners

3218 Pringle Road SE, Suite 150

Salem, OR 97302-6311

(503) 378-5816

FAX (503) 362-1260

E-mail: oregon.obce@state.or.us

www.obce.state.or.us

February 26, 2003

Jae Debra Tomlin DC
344 SW 7th St., Suite D
Newport, Oregon 97365

Re: **Case # 2003-5001, Letter of Reprimand**

Dear Dr. Tomlin,

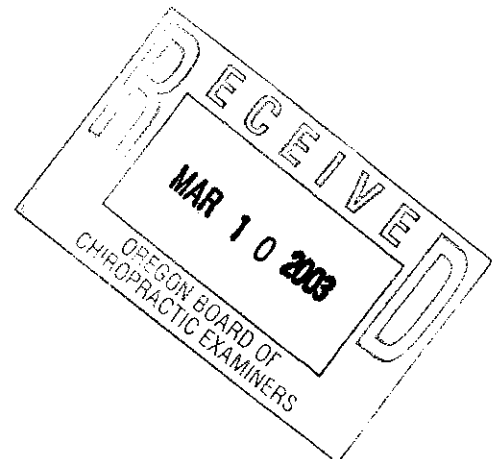
You are hereby reprimanded for violations of ORS 684.100 (1)(g)(A) and (C)(n); and OAR 811-035-0015 and (10).

The Stipulated Final Order and this Letter of Reprimand are public documents and available upon request.

Sincerely,

Original signatures on file at
the OBCE office.

Dave McTeague
Executive Director



Board investigation revealed that Licensee was aware that the CCA applicant had no valid massage therapist license in the State of Oregon, nor did he possess a valid CCA certificate. Further investigation revealed that applicant had worked from the Summer 2001 through December 19, 2002 approximately 2 days per week, seeing 2-3 patients per day in Licensee's office, under her supervision.

4.

Licensee indicated to Board staff that she was under the mistaken belief that CCA applicant Jones possessed a valid license to perform massage in the State of Oregon, while in fact he did not.

Conclusions of Law

5.

The Board finds that Licensee's conduct as described herein constitutes unprofessional conduct. Licensee's practice, as described above, constitutes violations ORS 684.100 (1)(g)(A) and (C)(n); and OAR 811-035-0015 and (10).

6.

Stipulations

NOW THEREFORE, the Board and the Licensee stipulate and agree that this disciplinary action may be concluded by entry of this Stipulated Final Order upon the following terms:

1. Pursuant to ORS 183.415(5) the Board and Licensee agree to informally dispose of and settle this matter.
2. Licensee stipulates that she has been advised of his right to request a hearing in this matter pursuant to ORS 183.415(2)(a), and to be represented at hearing pursuant to ORS 183.415(3).
3. Licensee waives her right to a hearing in this matter.
4. Licensee admits to her failure in allowing an unlicensed CCA to continue to perform massage services on patients in her office during the time mentioned in the prior factual statements.
5. Licensee agrees to be reprimanded for allowing the unlicensed practice of the applicant CCA. (Attachment 1)
6. Licensee will pay cost recovery in the sum of \$194.

8. The Stipulated Final Order memorializes the entire agreement between Licensee and the Board and supercedes all prior offers, negotiations or settlement discussions.

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

IT IS SO ORDERED this 26th of February 2003.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By: _____

Original signatures on file
at the OBCE office.

Executive Director

Original signatures on file
at the OBCE office.

Jai Debra Tomlin D.C.
Licensee

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	NOTICE OF PROPOSED
Jai Debra Tomlin, D.C.)	
)	LETTER OF REPRIMAND
)	
Licensee.)	Case # 2003-5001
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The Oregon Board of Chiropractic Examiners (hereafter "Board" or "OBCE") is the state agency responsible for licensing, regulating and disciplining chiropractic physicians and certified chiropractic assistants in the State of Oregon. Jai Debra Tomlin, D.C. (hereafter "Licensee"), is a licensed chiropractic physician in Oregon. The Board proposes to discipline Licensee for the following reasons:

1.

On June 24, 2002, the OBCE received a CCA application from Gary L. Jones for a certificate to practice as a certified chiropractic assistant in Oregon. All requirements of the application process were not met and additional information was requested. The Board requested additional circumstances of that matter.

2.

Board staff followed up in July of 2002 and into November 2002 when the further information was not received by the applicant. During that time period, the Board investigation revealed that the unlicensed CCA Jones was practicing and providing massage services in the chiropractic business of the Licensee.

In November Board staff called Licensee's office and verified that CCA Applicant Jones was working and ascertained from staff at Dr. Tomlin's office that applicant was providing services including massage therapies. Board staff also ascertained that applicant had failed to obtain his CCA certificate and was not a Licensed Massage Therapist in the State of Oregon. Dr. Tomlin was specifically notified by board staff in November that applicant, having no CCA certificate, nor LMT license, would not be able to perform any services on existing patients.

3.

Further investigation by the OBCE revealed that CCA applicant Jones had continued to provide services to patients at Dr. Tomlin's offices and in December, 2002, Board staff ascertained that applicant was still performing services on patients in Dr. Tomlin's practice.

Board investigation revealed that Licensee was aware that the CCA applicant had no valid massage therapist license in the State of Oregon, nor did he possess a valid CCA certificate. Further investigation revealed that applicant had worked from the Summer 2001 through December 19, 2002 approximately 2 days per week, seeing 2-3 patients per day in Licensee's office, under her supervision.

4.

Licensee indicated to Board staff that she was under the mistaken belief that CCA applicant Jones possessed a valid license to perform massage in the State of Oregon, while in fact he did not.

5.

The Board finds that Licensee's conduct as described herein constitutes unprofessional conduct. Licensee's practice, as described above, constitutes violations ORS 684.100 (1)(g)(A) and (C)(n); and OAR 811-035-0015 and (10).

6.

Due to the aforementioned violations, the OBCE proposes to issue a Letter of Reprimand Licensee due to the aforementioned violations.

7.

Licensee shall pay costs of this disciplinary proceeding, including investigative costs and attorney fees pursuant to ORS 684.100(9)(g).

8.

Licensee has the right, if Licensee requests, to have a formal contested case hearing before the OBCE or its hearings officer to contest the matter set out above. At the hearing, Licensee may be represented by an attorney and subpoena and cross-examine witnesses. That request for hearing must be made in writing to the OBCE, must be received by the OBCE within 30 days from the mailing of this notice (or if not mailed, the date of personal service), and must be accompanied by a written answer to the charges contained in this notice.

9.

The answer shall be made in writing to the OBCE and shall include an admission or denial of each factual matter alleged in this notice, and a short plain statement of each relevant affirmative defense Licensee may have. Except for good cause, factual matters alleged in this notice and not denied in the answer will be considered a waiver of such defense; new matters alleged in this answer (affirmative defenses) shall be presumed to be denied by the agency and evidence shall not be taken on any issue not raised in the notice and answer.

10.

If Licensee requests a hearing, before commencement of that hearing, Licensee will be given information on the procedures, rights of representation and other rights of the parties relating to the conduct of the hearing as required under ORS 183.413-415.

11.

If Licensee fails to request a hearing within 30 days, or fails to appear as scheduled at the hearing, the OBCE may issue a final order by default and impose the above sanctions against Licensee. Upon default order of the Board or failure to appear, the contents of the Board's file regarding the subject of this automatically become part of the evidentiary record of this disciplinary action upon default for the purpose of proving a prima facie case.

IT IS SO ORDERED this 26th day of February 2003.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By: _

Original signatures on file at
the OBCE office.

D
Executive Director

State of Oregon)
County of Marion) Case # 2003-5001

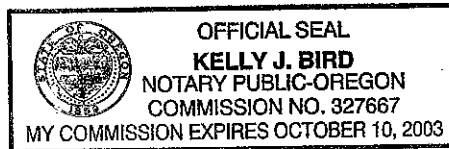
I, Dave McTeague, being first duly sworn, state that I am the Executive Director of the Board of Chiropractic Examiners of the State of Oregon, and as such, am authorized to verify pleadings in this case: and that the foregoing Notice is true to the best of my knowledge as I verily believe.

Original signatures on file
at the OBCE office.

DAVE McTEAGUE, EXECUTIVE DIRECTOR
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me
this 26th day of February, 2003.

NOTARY PUBLIC FOR OREGON
My Commission Expires: 10/10/03



CERTIFICATE OF SERVICE

I, Dave McTeague, certify that on February 26th, 2003, I served the foregoing Notice of Proposed Letter of Reprimand upon Jae Debra Tomlin, D.C., the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Jae Debra Tomlin DC
344 SW 7th St.. Suite D
Newport, Oregon 97365

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners