

inpatient treatment followed up by 2 years outpatient. Licensee refused to go to treatment in discussions with his case manager for B Sober. On April 2, 2015, Licensee received a notification from Treatment Services Northwest that he was being discharged as unsuccessful from treatment due to ongoing illicit drug use.

Licensee continued to use drugs and did not shown up for treatment. Licensee was also arrested, as follows:

1. June 4, 2015: Licensee was arrested for driving a vehicle while his license was suspended (Case 151551178).
2. June 5, 2015: Licensee was arrested for driving while suspended, a misdemeanor, and eluding police while driving a vehicle, a felony, by Tigard Police Department (Case 542015-1560107).

On June 9, 2015, the B Sober case manager noticed that when Licensee appeared at his appointment, he was under the influence, as his eyes were dilated. When she inquired, Licensee didn't deny that he had used drugs and admitted that he would test positive for cocaine use.

On June 10, 2015, Licensee was scheduled to appear at B Sober, attended and appeared to be under the influence again. A warrant was issued for Licensee and he was arrested for violation of his probation requirements of the DUI conviction.

2.

On May 26, 2015, the Board received a complaint indicating that on May 9, 2015, a patient that was receiving chiropractic services from Licensee was receiving an adjustment when Licensee appeared to fall asleep and nod off repeatedly while providing the adjustment. At one point, it was alleged that he was leaning on the patient to maintain an upright position and the patient felt very awkward at this contact. Licensee was also breathing very shallowly and burping as if he was about to vomit, causing the patient to become alarmed during her treatment. He didn't appear to be able to speak or maintain eye contact during this interaction. The patient felt that he was intoxicated with something from the way he was acting. The patient did not smell any alcohol at that time.

On June 11, 2015, Licensee was emergency suspended from practicing chiropractic in the State of Oregon. Since that time, Licensee has completed substance abuse/alcohol treatment and is involved in a recovery program.

3.

The allegations as noted above in paragraphs 1 and 2 include unprofessional conduct and habitual use of controlled substances which incapacitates the person from performance of professional duties. In addition, being impaired while providing care and potentially causing injury to a patient during treatment is below the standard of care. If proven, these would be violations of ORS 684.100(1)(e), (f) and (A) and (C) and, OAR 811-035-0015 (9) and (13). At a special June 11, 2015, board meeting, the Board found that the acts and conduct of licensee described above constitutes grounds for immediate license suspension and amounted to unprofessional conduct. Licensee's practice, as described above, constituted a clear and present danger to the health or safety of his patients and the public if allowed to continue before a hearing may be held. The above acts are in violation of ORS 684.100(1) (e) and (f)(A) and (C) and OAR 811-035-0015(9) and (13). Therefore, the Board immediately suspended Licensee's chiropractic license pursuant to ORS 183.430(2) and ORS 684.100(3).

Conclusions of Law

4.

The Board finds that Licensee has acted with unprofessional conduct and habitual use of controlled substances which incapacitates the person from performance of professional duties. In addition, being impaired while providing care and potentially causing injury to a patient during treatment is below the standard of care. If proven, these would be violations of ORS 684.100(1)(e), (f) and (A) and (C) and, OAR 811-035-0015 (9) and (13). At a special June 11, 2015 board meeting, the Board found that the acts and conduct of licensee described above constitutes grounds for immediate license suspension and amounted to unprofessional conduct. Licensee's practice, as described above, constituted a clear and present danger to the health or

safety of his patients and the public if allowed to continue before a hearing may be held. The above acts are in violation of ORS 684.100(1) (e) and (f)(A) and (C) and OAR 811-035-0015(9) and (13).

Stipulations

5.

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 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. The parties wish to settle and resolve the above matter without further proceedings.
2. Licensee will be allowed to reenter the practice of chiropractic and will not be suspended if Licensee completes the following:
 - a. Licensee will attend, complete, and be able to document admission and completion of in-patient treatment for alcohol and substance abuse that is Board approved for a period of not less than 20 days and for as long as deemed necessary by the treatment facility. Examples of an approved treatment facilities are Hazelden Springbrook or Serenity Lane. Licensee must demonstrate and be able to document full compliance with any recommended after care for the recommended period.
 - b. Licensee will be able to prove and document a minimum of six months of continuous sobriety prior to his readmission to practice. Sobriety means not under the influence of any illegal substances, alcohol,

drugs, or mind altering substances. Documentation means a minimum of 12 random UAs during this period and any reports from the after-care counselor.

- c. Items a, and b above will be at Licensee's own expense.
- d. Licensee will provide documentation to the Board that he is in compliance with all conditions of his criminal convictions.

3. Licensee is placed on probation and must participate in an ongoing treatment program for a minimum of five years. Treatment and monitoring may be concluded upon demonstration to the Board that Licensee has successfully completed all treatment programs and is in a proven period of sobriety. While on probation, Licensee agrees to undergo urine drug screens, with a comprehensive panel of drugs specifically tested for those within the health professions, of a frequency not less than 24 times for the first year and 12 times for the second and third year and a minimum of 6 screens for the remaining years. Licensee agrees that an independent medical review officer will interpret the results of the drugs screens and that this is at Licensee's cost. Licensee agrees to take and successfully pass the EBAS test within six months of beginning probation. Licensee is responsible to report to the Board his completion. The Board may elect to extend the probation time period if Licensee tests positive for any drugs or controlled substances or is found to have used these substances contrary to this agreement. Licensee must demonstrate good ongoing recovery by having a home group, a sponsor, and actively working with other recovering addicts.

4. During probation, Licensee will appear before the Board annually.

5. Licensee shall abstain from the use of all mood-altering chemicals, including alcohol and any substances including prescriptive and non-prescriptive drugs. Any use of medications by Licensee must be recommended and approved by a personal physician; with the knowledge of the Board. Licensee shall instruct all of the professionals participating in his treatment plan to promptly respond to the Board of Chiropractic Examiners' inquiry concerning Licensee's compliance with the treatment plan and to immediately report to the Board any positive test results or any serious failure to fully participate by Licensee. Licensee shall instruct the foregoing professionals to make quarterly reports to the Board of Chiropractic Examiners of Licensee's progress and compliance with the treatment plan.
6. Licensee waives all privilege with respect to any physical, psychiatric, or psychological evaluation or treatment in favor of the Board for purposes of determining compliance with this Order, or the need to, or the appropriateness of, modifying this Order, and will execute any waiver or release the Board requests.
7. Licensee shall not apply for release from probation any earlier than five years from the original date of this order.
8. If Licensee violates any of the terms of this order, the Board may refuse to consider Licensee's request for release of his suspension and/or order. The Board may issue additional discipline up to and including revocation.
9. Signature of this agreement in no way guarantees that the Board agrees to lift Licensee's suspension or any other requirements at any time in the future or in any would limit the Board from placing conditions on a future license.

10. If Licensee moves to another state during the pendency of this order at any time, the requirements are tolled during that time period.

11. This order is effective on the date signed by the Board and is a public record.

IT IS SO ORDERED this 3^d day of February, 2016.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signatures are on file in OBCE office

By: [Signature]
Cassandra C. Skinner, J.D., Executive Director

Original signatures are on file in OBCE office

By: [Signature]
Wesley Wallis, D.C.

Dated: 1/27/16

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of

Wesley Wallis, D.C.,

)
) Case # 2015- 5010
)
)

) ORDER OF
) EMERGENCY SUSPENSION
) NOTICE OF RIGHTS
)

The Oregon Board of Chiropractic Examiners (hereafter “Board”) is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Wesley Wallis, D.C. (hereafter “Licensee”), is currently licensed by the Board to practice as a chiropractic physician in Oregon and is subject to the jurisdiction of the OBCE. Effective June , 2015, Licensee is ordered to immediately stop practicing chiropractic until further order of the Board. The Board finds that Licensee should be emergency suspended based on the following:

1.

The Board received information that Licensee was arrested for DUII on December 7, 2014 in Beaverton, Oregon and convicted on December 9, 2014. (Case 14-08794 Washington County) His BAC level was a .09%. As part of that conviction, Licensee was sentenced to attend treatment with general probation requirements. Those requirements included: Bench probation through 12/9/16, 80 hours of community service, a \$1000 fine, suspended driver’s license for a one year period and to have an evaluation by December 2014. He was prohibited from consuming or possessing alcohol or illegal drugs during the period of probation and was required to submit to urinalysis upon request.

Licensee failed to comply with probation requirements in that he tested positive for cocaine and oxycodone and oxymorphone on the following dates: 3/20/15, 3/25/15, 5/20/15 and 6/4/15.

While on probation, Licensee was evaluated for a substance abuse diagnosis at Serenity Lane in early June 2015. Serenity Lane did an assessment and he was diagnosed with substance use disorder for cocaine and opiates and he received a recommendation for 28 days inpatient treatment followed up by 2 years outpatient. Licensee refused to go to treatment in discussions with his case manager for B Sober. On April 2, 2015, Licensee received a notification from Treatment Services Northwest that he was being discharged as unsuccessful from treatment due to ongoing illicit drug use.

Since that time period, Licensee has continued to use drugs and has not shown up for treatment. Licensee has also been arrested as follows:

1. June 4, 2015, Licensee was caught driving a vehicle while his license was suspended. (Case 151551178)

2. June 5, 2015, Licensee was arrested for driving while suspended, a misdemeanor, and eluding police while driving a vehicle, a felony, by Tigard Police Department. (Case 542015-1560107)

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2.

On May 26, 2015, the Board received a complaint against Licensee, indicating that on May 9, 2015, a patient that was receiving chiropractic services from Licensee was receiving an adjustment when Licensee appeared to fall asleep and nod off repeatedly while providing the adjustment. At one point he was allegedly leaning on the patient to maintain an upright position and the patient felt very awkward at this contact. Licensee was also allegedly breathing very shallow and burping as if he was about to vomit, causing the patient to become alarmed during her

treatment. He didn't appear to be able to speak or maintain eye contact during this interaction. The patient felt that he was intoxicated with something from the way he was acting. The patient did not smell any alcohol at that time.

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The allegations as noted above in paragraphs 1 and 2 include unprofessional conduct and habitual use of controlled substances to which causes to incapacitate the person from performance of professional duties. In addition, being impaired while providing care and potentially causing injury to a patient during treatment is below the standard of care. If proven, these would be violations of ORS 684.100(1)(e), (f) and (A) and (C) and, OAR 811-035-0015 (9) and (13).

4.

At a special June 11, 2015 board meeting, the Board found that the acts and conduct of licensee described above constitutes grounds for immediate license suspension and amounts to unprofessional conduct. Licensee's practice, as described above, constitutes a clear and present danger to the health or safety of his patients and the public if allowed to continue before a hearing may be held. The above acts are in violation of ORS 684.100(1) (e) and (f)(A) and (C) and OAR 811-035-0015(9) and (13). Therefore, the Board is authorized to and does immediately suspend licensee's chiropractic license pursuant to ORS 183.430(2) and ORS 684.100(3).

5.

Rationale for the suspension is as follows:

The board has received and investigated independent, credible complaints concerning Licensee's drug and/or alcohol behavior. These complaints allege acts of unprofessional conduct. In addition, the Board has credible information that Licensee is being arrested for this continued behavior and refuses to attend substance abuse treatment. Licensee is putting his patients at risk by being in this condition and providing treatment.

In view of the nature of the alleged misconduct, the Licensee's conduct at this time in his practice setting, there is a high probability of recurrent acts of alcohol and/or drug induced

behavior and/or endangerment of patients if the Licensee is to continue to practice chiropractic prior to any completion of a hearing and/or finalization of this investigation. The board has grave concerns that the Licensee is impaired and it is affecting his ability to safely and competently practice chiropractic. The nature of the complaints and the current behaviors of Licensee place great risk of potential harm to individual patients and to the Licensee.

6.

Licensee's license is suspended effective June 11, 2015 and Licensee is not permitted to practice chiropractic in the State of Oregon pending the outcome of further disciplinary action.

7.

Licensee has the right, if Licensee requests, to have a formal contested case hearing pursuant to ORS 183.430(2) and OAR 137-003-0560 as soon as practicable to contest this Emergency Suspension Order. Licensee has a right to demand that a hearing be held as soon as practicable to contest the emergency suspension order. Such a request must be made in writing and must be received in the Board's office no more than 90 days after the effective date of this order. If not so received, Licensee's right to a hearing under ORS chapter 183 will be waived. If Licensee timely requests a hearing, the hearing could be consolidated with any other Board proceeding affecting this license. Licensee may elect to be represented by counsel and to respond and present evidence and argument on all issues involved. After the hearing, the Board will issue an order confirming, altering or revoking this suspension order.

8.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS:

Active duty service members have a right to stay these proceedings under the federal Service members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

IT IS SO ORDERED this 11th day of June, 2015

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By:



Cassandra C. Skinner J.D.
Executive Director
Oregon Board of Chiropractic Examiners