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**BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON**

In the Matter of)
Heidi Walter, C.A.) FINAL ORDER BY DEFAULT
Licensee.) Case # 2009-3019

The Board of Chiropractic Examiners (Board) is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Heidi Walter C.A. (Licensee) is certified by the Board to practice as a certified chiropractic assistant in the State of Oregon.

FINDINGS OF FACT

1.

The Board received a complaint regarding Licensee who allegedly took HIPAA protected information from the clinic where she worked when she left that employment. The information was taken without the authority of the patients or clinic owner and was found in Licensee's workspace. The information was found by the subsequent employer and returned to the original clinic from which it was taken.

2.

The investigation revealed that there were 350 pages of documents that included a list of patients with patient names, addresses, phone numbers, balance owed for treatment, patient health questionnaire with diagnosis codes, insurance information including authorizations for insurance payment and appointment activity. That information was what was returned to the original clinic by the subsequent employer.

3.

On April 12, 2009, the Notice of Proposed Discipline was sent to Licensee's address and was not returned. On April 20, 2010, Licensee contacted the Board's investigator and stated she was not going to contest the notice and acknowledged that she had received it. In the Notice, Licensee was advised that if a request for hearing was not filed, the record herein would be used to establish the record for purposes of default.

CONCLUSIONS OF LAW

4.

The Board finds that conduct described above is a violation of OAR 811-010-0110 (14)(a) (unlawful disclosure of patient information) and (15)(k) (practice that is harmful to the public), OAR 811-035-0015(11) and ORS 684.100(1)(f)(A) in that certificate holder has acted

1 unprofessionally and dishonorably and has used an unethical, deceptive or deleterious conduct or
2 practice that is harmful to the public. In addition, this violated the Federal HIPAA requirements
3 to hold all patients information and records as confidential and not to release those unless
4 authorized by written consent.
5

6 ORDER


7 5.

8 Due to the aforementioned violations, the OBCE finds that Licensee has acted
9 unprofessionally and dishonorably and has violated the above statutes and rules which warrants a
10 revocation of the certificate holder.
11

12 DATED this 27th day of May 2010.

13 BOARD OF CHIROPRACTIC EXAMINERS
14 State of Oregon

15 *Original signature on file at OBCE*

16 BY 
17
18
19 Dave McTeague, Executive Director
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23

24 A party is entitled to judicial review of the Final Order. Judicial review is by the Oregon Court of Appeals pursuant
25 to the provisions of ORS 183.482. Judicial review may be obtained by filing a petition for review with the Office of
26 State Court Administrator, Supreme Court Building, Salem, Oregon 97310. ORS 183.482 requires that an appeal is
27 requested by filing a petition in the Court of Appeals within 60 days following the date the order upon which the
28 petition is based is served.
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State of Oregon) Case # 2009-3019
County of Marion)

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

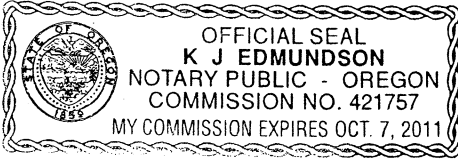
Original signature on file at OBCE

Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

SUBSCRIBED AND SWORN to before me
this 26th day of May, 2010

Original signature on file at OBCE

NOTARY PUBLIC FOR OREGON
My Commission Expires: 10/7/2011

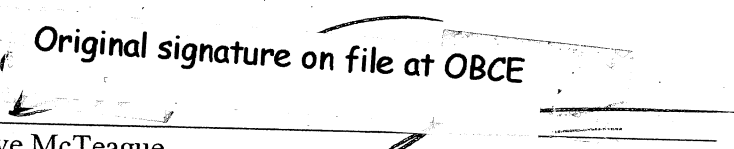


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2 **Certificate of Service**
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4 I, Dave McTeague, certify that on May 27, 2010, I served the foregoing Final Order By
5 Default upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full
6 copy thereof to:
7

8 Heidi Walter c/o
9 Elite Chiropractic and Wellness Center
10 23440 SE Stark St.
11 Gresham, OR 97030
12

13 Heidi Walter
14 1316 SW 26th St
15 Troutdale, OR 97060
16

17 *Original signature on file at OBCE*
18 

19 Dave McTeague
20 Executive Director
21 Oregon Board of Chiropractic Examiners
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1 Due to the aforementioned violations, the OBCE proposes to revoke certificate holder.
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5 Certificate holder shall pay costs of this disciplinary proceeding, including investigative
6 costs and attorney fees pursuant to ORS 684.100(9)(g).
7

8 6.
9

10 Certificate holder has the right, if Licensee requests, to have a formal contested case
11 hearing before the Office of Administrative Hearings to contest the matter set out above. At the
12 hearing, Certificate holder may be represented by an attorney and subpoena and cross examine
13 witnesses. That request for hearing must be made in writing to the OBCE, must be received by
14 the OBCE within 30 days from the mailing of this notice (or if not mailed, the date of personal
15 service), and must be accompanied by a written answer to the charges contained in this notice.
16

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19 The answer shall be made in writing to the OBCE and shall include an admission or
20 denial of each factual matter alleged in this notice, and a short plain statement of each relevant
21 affirmative defense Certificate holder may have. Except for good cause, factual matters alleged
22 in this notice and not denied in the answer will be considered a waiver of such defense; new
23 matters alleged in this answer (affirmative defenses) shall be presumed to be denied by the
24 agency and evidence shall not be taken on any issue not raised in the notice and answer.
25

26 8.
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28 If Certificate holder requests a hearing, before commencement of that hearing, certificate
29 holder will be given information on the procedures, rights of representation and other rights of
30 the parties relating to the conduct of the hearing as required under ORS 183.413-415.
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34 If Certificate holder fails to request a hearing within 30 days, or fails to appear as
35 scheduled at the hearing, the OBCE may issue a final order by default and impose the above
36 sanctions against Certificate holder. Upon default order of the Board or failure to appear, the
37 contents of the Board's file regarding the subject of this automatically become part of the
38 evidentiary record of this disciplinary action upon default for the purpose of proving a prima
39 facie case.
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DATED April 12, 2010

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signature on file at OBCE

By

Dave McTeague, Executive Director

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State of Oregon) Case # 2009-3019
County of Marion) Heidi Walter CCA

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

Original signature on file at OBCE

BY

Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

SUBSCRIBED AND SWORN to before me

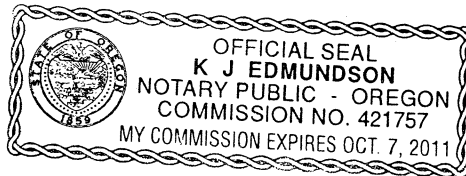
this 12th day of April, 2010

Original signature on file at OBCE

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NOTARY PUBLIC FOR OREGON

My Commission Expires: 10/7/2011



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2 **Certificate of Service**
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4 I, Dave McTeague, certify that on April 12, 2010, I served the foregoing Notice of
5 Proposed Disciplinary Action upon the party hereto by mailing, certified mail, postage prepaid, a
6 true, exact and full copy thereof to:
7

8 Heidi Walter
9 Elite Chiropractic and Wellness Center
10 23440 SE Stark St.
11 Gresham, OR 97030

12 *Original signature on file at OBCE*

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14 Dave McTeague
15 Executive Director
16 Oregon Board of Chiropractic Examiners
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Confidential Identification Key

Clinic 1 Advanced Care Chiropractic (Drs. Vroom & Waggoner)

Clinic 2 Rinnovare Laser & Wellness Center (Dr. Jonathan Hansel)

Not a Public Document