

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)
) Case # 2016-5003
Kimberly S. Wheeler,)
CCA Applicant)
) FINAL STIPULATED ORDER
_____)

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. Kimberly S. Wheeler (hereafter “CCA Applicant” or “Applicant”), applied for a certification as a certified chiropractic assistant in Oregon. The Board issues the following order.

Findings of Fact

1.

On March 29, 2016, the OBCE 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 six that she had been treated for substance abuse. She also answered yes to question seven that she had been convicted of, pled guilty or no contest to any offense, misdemeanor or felony. In the attached explanation for that response, Applicant provided a statement that she had been arrested in March 2014 and again in June 2015 for a DUI with two counts of reckless endangerment. Applicant was charged with the second DUI July 2015. Applicant has completed in-patient treatment for alcohol addiction. Applicant is on probation for the most recent DUI until October 2017.

On May 19, 2016, the Board voted to issue a certificate to Applicant with certain limitations as follows.

Conclusions of Law

2.

The Board finds that the acts and conduct of Applicant in her application and responses to such, may be cause to refuse to grant a certificate to Applicant, however, the Board is willing to allow a certificate to be issued with some requirements. If the matter were to proceed to hearing, Applicant may be found that the conduct cited above would be in violation of ORS 684.100(1)(d), and OAR 811-010-0110(15)(b).

Agreement

3.

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:

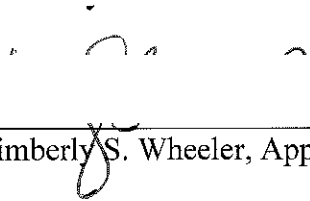
IT IS HEREBY ORDERED THAT:

1. Applicant will be granted her certificate to practice as a Certified Chiropractic Assistant.
2. Applicant's certificate will have the following condition: She must disclose her conviction history to any and all chiropractic physicians with whom she is currently employed by and with whom she seeks future employment.
3. Applicant will be on probation with the Board for a period of two years following final signature of this order.
4. Applicant will agree to be employed by a Board approved chiropractor or, if she obtains new employment, by another Board approved chiropractor. Applicant will be required to notify the Board of any changes in employment.
5. Applicant will comply with the current terms of her probation for Case Number 15CR30678 including all UA requirements.
6. Applicant will continue in a sobriety program of her choice for the duration of this agreement.
7. Applicant 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 Applicant must be recommended and approved by a personal physician; with the knowledge of the Board. Applicant shall instruct all of the professionals participating in her treatment plan to promptly

respond to the Board of Chiropractic Examiners' inquiry concerning any relapse or treatment issues.

8. Applicant is responsible to report any relapses, and any arrests or convictions during probation to the Board within 10 days.
9. 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 license.
10. By signing this stipulation, 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.
11. This stipulation is reportable to the National Practitioners Data Bank.

Date: 5/25/2016 By:




Kimberly S. Wheeler, Applicant

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signatures are available in the OBCE office.

Date: 5/25/2016 By:

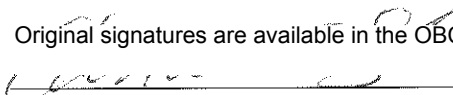


Cassandra C. Skinner J.D., Executive Director
Oregon Board of Chiropractic Examiners

State of Oregon) Case # 2016-5003
County of Marion) Kimberly S. Wheeler, CCA applicant

I, Cassandra C. Skinner, 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 Stipulated Order is true to the best of my knowledge as I verily believe.

Original signatures are available in the OBCE office.


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

SUBSCRIBED AND SWORN to before me

this 25th day of May, 2016


NOTARY PUBLIC FOR OREGON

My Commission Expires: 10/4/2019



CERTIFICATE OF SERVICE

I, Cassandra C. Skinner, certify that on May 28, 2016, I served the foregoing Final Stipulated Order upon Kimberly S. Wheeler, the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Kimberly S. Wheeler
7822 N. Hodge Avenue
Portland OR 97203

~~and provided via email~~
provided in person *cas*

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