

OBCE Public Protection Update

Final and Proposed actions February 5, 2005 to September 30, 2005

Final Actions

Dennis Stanturf DC, Final Order by Default. Three-month suspension. Violations of ORS 684.100 (1)(g)(A); and OAR 811-035-0015 (7) and (12), and OAR 811-015-0005(1). Licensee took cash from patients and did not report it to his employer and failed to make chart notes for those patients. (5/4/2005)

W. David Stoltz DC, Final Order by Default. Denial of license application (Doctor was previously licensed in Oregon). Violations of: ORS 684.100(1)(d) for conviction of a felony or misdemeanor involving moral turpitude; ORS 684.100(1)(g), OAR 811-035-0015 (16) for not being truthful on the application. (8/23/2005)

CCA applicant, (*The name was removed since the record was expunged through the court. 5-17-07*) Stipulated Final Order. Condition on License. Under the provisions of ORS 684.100 (1)(d) and ORS 670.280, licensee must disclose to any and all prospective chiropractic employers that she was charged with possession of a controlled substance, and participated in an accelerated probation which was successfully completed, resulting in dismissal of the charges. (8-15-2005)

Jason Lutz, CCA applicant. Stipulated Final Order. Condition on License. Under the provisions of ORS 684.100 (1)(d) and ORS 670.280, licensee must disclose conviction history to any and all prospective chiropractic employers. (8-15-2005)

Venus Smith DC. Final Order by Default. Letter of Reprimand. Board action follows Peer Review Committee interview and report. Violations of: ORS 684.100(1)(g)(B) and OAR 811-015-0010 for re-examinations that do not meet minimum standards; ORS 684.100(1)(g)(B) and OAR 811-015-0005(1) for chart notes that do not meet minimum standards; ORS 684.100(1)(g)(B), OAR 811-015-0010 and OAR 811-015-0005(1) for excessive treatment after initial course of treatment; ORS 684.100(1)(g)(B), OAR 811-015-0010 and OAR 811-015-0005(1) for continuing or increasing numbers of passive modalities without expressed clinical rationale in the patient record; OAR 811-035-0015(2), OAR 811-015-0010(1) and OAR 811-015-0005(1) charging for services without supporting documentation; ORS 684.100 (1)(a) and OAR 811-035-0015 (5) charging for services not rendered; ORS 684.100 (1) (g) (A), OAR 811-015-0005 (1)(b), OAR 811-035-0015 (1) and (5), OAR 811-035-0015 (7) and (12) altered chart notes. (9/22/2005)

Bryan Scott DC, Stipulated Final Order. Licensee's failure to make cost recovery payments as agreed in his Stipulated Final Order Case # 1999-1014 is a violation of ORS 684.100 (1)(g); OAR 811-035-0015(23) and terms of probation. Suspension was proposed and Licensee agreed to make monthly payments towards \$1005 owed. (9-29-2005)

Proposed Actions

Case # 2004-1036. Notice of Proposed Action one-year license suspension. Licensee attempted to borrow substantial amounts of money from up to four patients. (Licensee has previous disciplinary order for charging patients credit cards without their knowledge.) Violations of ORS 684.100 (1)(g)(A); and OAR 811-035-0015 (8). Contested case hearing has been requested. (3/25/2005)

Case # 2003-2001, 2004-2000, 2004-1032. Notice of Proposed Action for three-month suspension followed by a five-year probation, mentoring plan followed by quarterly file reviews, \$3,000 civil penalty and 12 hours CE

in chart noting. Board action follows Peer Review Committee interview, report and recommendations. Violations of: ORS 684.100(1)(A) and OAR 811-015-0010 for lack of re-examinations where indicated, billing for a re-examination for which there is no documentation; ORS 684.100(1)(A) and OAR 811-015-0005(1) for chart notes and treatment plans below minimum standard & chart notes that did not indicate the name or initials and signature of the treating physician nor the author of the notes; OAR 811-015-0005(1) for two different versions of the same ancillary chart notes for the same dates of service; ORS 684.100(1)(n), and OAR 811-035-0015(10) for allowing employees to perform the physiotherapy and massage duties without being licensed as a chiropractic assistant or massage therapist; OAR 811-035-0015(7) billing for services provided by unlicensed personnel; OAR 811-015-0010(1) (clinical justification) for use of the evaluation and management code level 99204 not substantiated by the records reviewed resulting in upcoding; ORS 684.100(1)(A) and OAR 811-035-0015(7) for collection of money in excess of amount of services rendered; ORS 684.100(1)(g), OAR 811-015-0005(1) and OAR 811-035-0015(12) for altering chart notes; ORS 684.100(1)(A) and OAR 811-035-0015(7) and (12) for charging excessive amounts for durable medical goods provided to patients. (4/22/2005)

Case # 2005-5005. Notice of Proposed Denial of CCA license. Violations of: OAR 811-010-0110(14)(b) for misrepresentations in responses to questions regarding criminal arrests and convictions. (8/27/2005)

Case # 2005-5000. Notice of Proposed Denial of CCA license. Violations of: OAR 811-010-0110(14)(b) for misrepresentations in responses to questions regarding criminal arrests and convictions. (8/28/2005)

Case # 2005-5008. Notice of Proposed Denial of CCA license. Violations of: OAR 811-010-0110(14)(b) for misrepresentations in responses to questions regarding criminal arrests and convictions.

Case # 2005-5003. Notice of Proposed License Suspension. Licensee's failure to make cost recovery payments as agreed in his Stipulated Final Order is a violation of ORS 684.100 (1)(g); OAR 811-035-0015(23). (8/26/2005)

Case # 2004-2002, Notice of Proposed Action, Letter of Reprimand and \$1,000 civil penalty. Violations of ORS 684.100(1)(A) and OAR 811-015-0010(1), OAR 811-015-0005(1) OAR 811-035-0015 (7), (12) and 811-030-0030 (2)(d) and 811-030-0020(1)(2)(6) for below standard chart notes and clinical justification and inadequate justification for taking certain x-ray views. (9/28/2005)

Dismissed Complaints

During this reporting period the OBCE made a determination of insufficient evidence (I.E.) on 25 cases; no statutory violation on 4 cases, and case closed on 7 cases.