

## **OBCE Public Protection Update**

*Final and Proposed actions May 29, 2004 to February 4, 2005*

### **Final Actions**

**Stephen Liston DC.** Stipulated Final Order. \$5,000 civil penalty for unlicensed practice of chiropractic during the performance of independent medical examinations in Oregon. Dr. Listen has since changed his inactive Oregon DC license to active status. Violations of ORS 684.100 (1) (g), 684.020 (1) and OAR 811-035-0015(14). (8/15/2004)

**Latisha Nicole Henderson, CCA.** 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. (8-24-2004)

**Pamela Johnson DC.** Stipulated Final Order. One month license suspension (9-15-04 to 10-15-04), two-year probation with conditions, counseling, chaperone provisions, mentoring plan, and NBCE Ethics and Professional Boundaries Exam. Permanent restriction on the license is that chiropractic patients may not be professional counseling clients (doctor is dual licensed as a professional counselor) and counseling clients may not be chiropractic patients. Licensee's practice of Neuro-Emotional Technique (NET) with chiropractic patients must stay within the chiropractic scope of practice and not be a professional form of psychotherapy as practiced by counseling, social workers, psychology or psychiatric professions. Violations of ORS 684.100(1)(g)(A) and, OAR 811-035-0015(1)(a) related to boundary issues. (9/17/2004)

**Donald Hayes DC, Applicant.** Stipulated Final Order provides applicant may receive his Oregon license after passing NBCE Special Purposes Examination for Competency (SPEC), and upon receiving license will be placed on probation for five years, may not practice in a multi-disciplinary setting during probation, must fully disclose he is a Doctor of Chiropractic, not a Medical Doctor, agrees to abide by the Oregon Doctor's Title Act, will submit advertising for pre-approval by the Board and will complete 10 hours of continuing education on ethics. The Notice of Proposed Denial of License Application alleged violations of ORS 684.100 (1)(d), ORS 684.040 (2)(a), OAR 811-010-0055 (3), and OAR 811-035-0015. Applicant has a misdemeanor conviction (now expunged) in California which resulted in the surrender of his chiropractic license. On August 25, 2004 California reinstated applicant's license. Applicant contends no violations of Oregon law have occurred. (11-4-2004)

**Carl Bonofiglio DC.** Final Order, Letter of Concern. Licensee caused charges to be deducted from credit card without patient's authorization. Violations of ORS 684.100 (1)(g)(A); OAR 811-035-0015 (7), OAR 811-015-0000 (2) and (5), ORS 165.055 and ORS 165.074 (11-9-2004)

**Seth Goldstein DC.** Stipulated Final Order, \$250 Civil Penalty. Licensee signed affidavit attesting to completion of twenty hours of continuing education, before CE was taken. Licensee admits that he did not complete the required continuing education (14 ½ hours short of the required 20 hours) and gave reasons due to injuries sustained in a car accident. Violations of ORS 684.092, OAR 811-015-0025, and OAR 811-035-0015 (12). Licensee agreed to submit the 14.5 CE hours due within the next 30 days and provide all continuing education verification information at the next license renewal in 2005. (12/21/2004)

**Kelly Sutton, CCA.** Stipulated Final Order, \$250 Civil Penalty. Licensee signed affidavit attesting to completion of six hours of continuing education. Licensee sent a letter of explanation to the OBCE stating that she had sent in her renewal forms before she actually attended the CE class. The class she was scheduled to attend was subsequently cancelled. Violation of OAR 811-010-0110(14)(b) for falsifying an affidavit and violation of 811-010-0110 (10)(b) not completing the required amount of CE for renewal. Licensee agrees to

submit all original verifications of attendance showing completion of at least six hours of continuing education with her 2005 license renewal fee and affidavit. (12/30/2004)

**David J. Shipley DC ND.** Stipulated Final Order. \$7,500 civil penalty for unlicensed practice of chiropractic during the performance of independent medical examinations in Oregon and advertising violations. Violations of ORS 684.015 (a), (c), (d) and ORS 684.100 (1) (j). Dr. Shipley also signed an agreement with the Oregon Department of Justice to not violate Oregon's Unlawful Trade Practices Act. He is not a licensed chiropractor in Oregon, however, he does hold a Washington chiropractic license and an Oregon naturopathic license. (1-6-2005)

**Mauro A. Civica DC,** Stipulated Final Order. 90 day suspension to begin 2-15-2005. Seven-year probation with conditions begins over with new effective date. Probation conditions include continued counseling and annual compliance polygraph tests. Violations of previous Stipulated Final Order signed December 14, 2001, and ORS 684.100(1)(g)(A) and, OAR 811-035-0015(23) for failing to have a board-approved chaperone present at all times when treating female patients. Permanent restrictions on license continued: may not massage female patients and may not perform coccyxgeal or vaginal adjustments. (1-18-2005)

**Nicholas Crane,** Case # 2002-5011, Stipulated Final Order. Former licensee agrees to license surrender and that no application for an Oregon chiropractic license will be made in the future. First Amended Proposed Notice issued 8-23-2004 proposed to place revocation action on record. (OBCE has continuing jurisdiction even though Mr. Crane's chiropractic license has lapsed). Violations of ORS 684.100 (1) (g) (A); OAR 811-035-0015 (1) (a) & (11) , and 811-35-0005 (2) (informed consent).

### **Dismissed Complaints**

During this reporting period the OBCE made a determination of insufficient evidence (I.E.) on 26 cases; no statutory violation on 9 cases, and case closed on 4 cases.

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