

OBCE Public Protection Update

Final and Proposed actions October 17, 2003 to May 28, 2004

Final Actions

Denise Asgian DC. License suspended for failure to release records and failure to cooperate with an investigation by the OBCE. Violations of OAR 811-035-0015 (19), OAR 811-015-0006 (1) and ORS 684.100 (1)(t). Licensee's status is presently Inactive/Suspended. (10/29/2003)

Benjamin Gifford DC. Stipulated Final Order, 60 day suspension (stayed), permanent license requirement for monthly contact with treating psychiatrist and periodic contact with supervising psychiatrist, reporting. Boundary crossings with female patient. Violations of ORS 684.100(1)(g)(A) and OAR 811-035-0015(1)(a). (12/31/2003)

James Gabrielson, CCA Applicant. Final Order by Default. Certified Chiropractic Assistant application was denied for alleged misrepresentations on application and for unprofessional conduct related to revocation of applicant's Oregon chiropractic license in 1990. (2/18/2004)

John C. Helton DC, License suspended for failure to pay State of Oregon taxes (effective June 1, 2004), adoption of Administrative Law Judge's proposed order. Violations of ORS 305.385(4)(c). This statute requires the OBCE to suspend license, following contested case hearing, upon request from the Oregon Department of Revenue (DOR). Suspension will be lifted when OBCE receives notice from DOR that licensee is in compliance. (5/21/2004)

Cynthia Martinez, Certified Chiropractic Assistant, 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. (5/21/2004)

Lynn Hakala DC, Temporary Stipulated Order. Licensee agreed to voluntarily withdraw from active chiropractic practice pending further order of the Board, and agrees enter into evaluation and treatment for substance abuse, random tests, pursuant to ORS 684.100 (6), (7) and (8). (5/28/2004)

New Actions

David J. Shipley ND, Case # 2004-1001, 1006. Proposed \$10,000 civil penalty for alleged 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) (5/18/2004)

Stephen Liston DC, Case # 2004-3001. Proposed \$10,000 civil penalty for alleged unlicensed practice of chiropractic during the performance of independent medical examinations in Oregon . (This doctor is an inactive Oregon DC and active State of Washington DC). Violations of ORS 684.100(g), 684.020 and OAR 811-035-0015(14). (5/20/2004)

Pamela Johnson DC, Case # 2003-3015. Proposed three month license suspension, three-year probation with conditions, counseling, chaperone, mentoring plan, 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. Boundary violations with patient, competency issues as a result of a competency evaluation. Violations of ORS 684.100(1)(g)(A) and, OAR 811-035-0015(1)(a). Competency issues pursuant to ORS 684.100(5)-(7). (5/20/2004)

Mauro A. Civica DC, Case. # 2003-3016. Proposed 3 month suspension and extension of probation/conditions beginning at new effective date, for violations of Stipulated Final Order entered December 14, 2001, not having a board approved chaperone when treating female patients and not having chaperone present at all required times. Violations of ORS 684.100(1)(g)(A) and, OAR 811-035-0015(23). (5/20/2004)

Other Actions

Patrick Boyd. Revoked Oregon DC wrote letter requesting reinstatement. OBCE denied request. (11/20/2003)

Agreement of Voluntary Compliance (not a disciplinary action) for one-year mentoring plan to meet the minimum standards of the chiropractic profession, including, but not limited to the following: Taking of case histories and past histories, performing and recording examination procedures, presenting subjective complaints and rendering an examination within minimal standards, formulating and recording treatment plans, rendering diagnoses consistent with the history/findings and creating legible, intelligible daily chart records. Successful completion will result in a finding of insufficient evidence. (2/18/2004)

Dismissed Complaints

During this reporting period the OBCE made a determination of insufficient evidence (I.E.) on twenty-one cases; one case closed, one no statutory violation; and one stipulated agreement.

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In all orders, the Board proposes to recover costs associated with the disciplinary proceeding as allowed by ORS 684.100(9)(g). This report covers the October 15, 2003 to May 28, 2004 period.