

OBCE Public Protection Update

Final and Proposed actions November 16, 2007 to May 21, 2008

Final Actions

Kris Pollack DC. \$500 Civil Penalty for continued advertising of a purported statistical success of treatment claiming a device is “FDA approved” and advertising as the “the Neck and Back Center “ and not sufficiently identifying the advertising as originating from a chiropractic clinic until the end of the ad. Violations of OAR 811-015-0045 (3), OAR 811-015-0045(1)(b) and the Oregon Doctors’ Title Act, ORS, 676.110. (11/29/2007)

Michael Hane. Stipulated Agreement. Mr. Hane, a massage therapist from Nevada City, California, agreed to Cease & Desist his further practice of “AtlasPROfilax” in Oregon. (11/29/2007)

Thomas Finch DC. Letter of Reprimand for failure to release patient records in a timely manner. Violations of ORS 684.100 (1)(g)(A) and (q); and OAR 811-015-0006 (1). (12/27/2007)

Michael Arnot DC. \$250 Civil Penalty for advertising violations of the Oregon Doctors’ Title Act, ORS, 676.110, OAR 811-015-0045 (3) and OAR 811-015-0045(1)(a). (2/28/2008)

Jeffrey Nelson DC. \$950 Civil Penalty for signing affidavit of completion of 20 CE hours when only 6 hours were completed. Violations of OAR 811-15-0025, ORS 684.092 and 811-035-0015(16). (3/13/2008)

Lawrence Nelson DC. \$2,500 Civil Penalty for telemarketing as “American Integrated Medicine” and other misleading advertising practices. Violations of OAR 811-015-0045(1), (2) and (3), the Oregon Doctors’ Title Act, ORS, 676.110, and OAR 811-015-0045 (3), ORS 684.100(1)(g)(A) and OAR 811-035-0015(24). (3/24/2008)

Gwendolyn Willmon DC. \$900 Civil Penalty for signing affidavit of completion of 20 CE hours when only 7 hours were completed. Violations of OAR 811-15-0025, ORS 684.092 and 811-035-0015(16). (3/25/2008)

Eric Hansen DC. Two years probation and 12 hours CE in boundary issues, 4 hours in record keeping. Licensee failed to adequately and fully receive informed consent from his patients in violation of ORS 684.100 (1)(g)(A); and OAR 811-035-0005. In addition, Licensee engaged in conduct and verbal behavior towards patients that may reasonably be interpreted as sexual, seductive or sexually demeaning or romantic in violation of OAR 811-035-0015(1)(a). (4/1/2008)

Ranan Shahar. \$10,000 Civil Penalty for unlicensed practice of chiropractic and “AtlasPROfilax” method of cervical (C-1) adjusting. Shahar is a licensed acupuncturist in Los Angeles, California. Shahar practiced in Oregon despite the OBCE’s Cease & Desist request. (4/8/2008). On April 2, 2008, a permanent injunction prohibiting his further practice in Oregon was issued by Multnomah County Circuit Court.

Jack Fischer DC. Permanent Suspension for failure to release patient records, cooperate with a board investigation and provide a current address. Violations of ORS 684.100 (1) (g) and ORS 684.100(1)(h), OAR 811-035-0015 (19), (20) and 811-015-0006 (1). (4/29/2008)

Proposed Actions

Case 2006-1032 et. al. Proposed three-year License Suspension and \$42,000 civil penalty for ignoring and delaying release of record requests, in some cases failure to provide any requested patients records

to patients, insurance companies and attorneys; failure to keep current records on numerous patients; failure to adequately chart the patient's examination or subjective complaints, diagnoses or treatment plan, and all of the above causing harm to ten known patients as described in the Notice of Proposed Discipline. (4/2/2008)

Case 2007-2002 et. al. Amended Notice of Proposed Discipline: 9 month suspension, \$7,500 Civil Penalty. Alleged violations for taking an x-ray of pregnant patient (ORS 684.100(1)(g)(A) and (B) and OAR 811-015-010); misleading telemarketing advertising (OAR 811-015-0045(1), (2) and (3)), hiring telemarketers and paying them a fee per patient (ORS 684.100(1)(g)(A) and OAR 811-035-0015(24)); billing an insurance company for cervical x-rays that were not taken (ORS 684.100(1)(g)(A) and OAR 811-015-0005(1) and 811-035-0015(5) and (7)); failure to document sufficient clinical justification for treatment (OAR 811-015-0010(1)); inaccurate or insufficient documentation of examination procedures (OAR 811-015-0005(1)); Evaluation and Management code levels billed to the insurer that are not substantiated by the records (ORS 684.100(1)(g)(A) and OAR 811-035-0015 (12)). (2/1/2008)

Case 2008-5012. Proposed Suspension of CCA license for theft, alleged violation of ORS 684.100(1)(g)(A) and (1)(d). (5/20/2008)

Case # 2008-1008. Proposed Letter of Reprimand to Certified Chiropractic Assistant for inappropriate comments and kissing a patient. Alleged violations of ORS 684.100 (1)(g)(A); and OAR 811-035-0015(1)(b)-(e) and OAR 811-010-0110(14)(a). (5/20/2008)

Case # 2008-5012. Proposed Suspension of Certified Chiropractic Assistant license for theft from chiropractic employer and failure to cooperate with the board's investigation. Alleged violations of OAR 811-010-0110(14)(a), 811-035-0015(20), and ORS 684.100(1)(g)(A), (1)(d). (5/20/2008)

Case # 2008-5015. Proposed conditions on Certified Chiropractic Assistant Applicant to inform current and prospective chiropractic employers of felony conviction for transporting quantities of marijuana over state lines and random UAs for two years. (5/21/2008)

Dismissed Complaints

For this reporting period there were findings of 9 No Statutory Violation (N.S.V.), 8 Case Closed, and 13 Insufficient Evidence (I.E.) all of which included Letters of Concern. A total of 45 complaints were closed during this period.