

BEFORE THE CHIROPRACTIC PHYSICIANS'  
BOARD OF NEVADA

*Filed 6/30/03  
8:45 AM  
CAPSN BY  
Quincy Wade*

In the Matter of

Complaint No. #01-26

JAMES OVERLAND, DC,

Respondent.

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**FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

This matter came on for hearing before the Chiropractic Physicians' Board of Nevada (Board) on March 8-9, April 12-13 and May 31, 2003, before Board members Lawrence Davis, D.C.; Stephanie Youngblood, D.C.; Ian Yamane, D.C. and Margaret Colucci, D.C. Respondent was present and represented by counsel, Benson Lee, Esq. The matter having been submitted to the Board, the Board now enters the following findings of fact, conclusions of law and decision.

**FINDINGS OF FACT**

1. Respondent operates Affiliated Chiropractic Center in Pahrump, Nevada. The conduct at issue took place from approximately January 1999 until August 2002.
2. Respondent has had the following unlicensed individuals providing treatment to patients in his practice: Joe Castanada, Liz Castanada, Marcie Manahan, Autumn Gavan, and Faith Siminic.
3. Respondent was out of the office on the dates of June 19, 2000, December 4, 2000 and January 11, 2001. On June 19, 2000 approximately 54 patients were treated at Respondent's practice. On December 4, 2000 approximately 79 patients were treated at Respondent's practice. On January 11, 2001 approximately 44 patients were treated at Respondent's practice.

- 1 4. Patients on the dates Respondent was out of the office were billed for adjustments that
- 2 were not actually provided.
- 3 5. Respondent's records for patients were inadequate in documenting the results of
- 4 comprehensive examinations, report of findings, and in x-ray evaluation and reporting.
- 5 6. Respondent provided falsified "SOAP" notes as part of the patient records provided to
- 6 the Board investigator.
- 7 7. Despite repeated requests, Respondent failed to provide the Board with employment
- 8 and staffing information.
- 9 8. Respondent failed to provide patient records upon request to Debra Wagnon, Marcie
- 10 Monahan and the Board.

11 **CONCLUSIONS OF LAW**

- 12 9. By permitting unlicensed personnel to perform patient services, Respondent is in
- 13 violation of NRS 634.018(15) and/or NRS 634.018(11) including the act found NAC
- 14 634.415 and/or NAC 634.430(m).
- 15 10. By allowing the treatment of patients while absent from his practice, Respondent
- 16 violated NRS 634.018(11) including the act found at NRS 634.125 and/or 634.415
- 17 and/or NAC 634.119.
- 18 11. By failing to keep clear, complete and accurate patient records, Respondent violated
- 19 NRS 634.018(11) including the act found at NAC 634.435(1).
- 20 12. By providing falsified "SOAP" notes to the Board investigator, Respondent violated
- 21 NRS 634.018(11) including the act found at NAC 634.430(1)(g).
- 22 13. By failing to provide employment records as requested by the Board investigator,
- 23 Respondent is in violation of NRS 634.018(11) including the act found at NAC
- 24 634.430(1)(g).
- 25 14. By failing to provide patient records upon request, Respondent violated NRS 634.018(11)
- 26 including the act found at NAC 634.430(1)(h).
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DECISION

IT IS HEREBY ORDERED as follows:

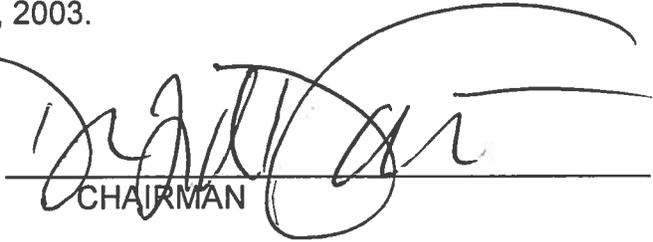
1. Respondent's license is suspended for 3 (three) years, but the suspension is stayed on the condition that Respondent complies with the following terms and conditions.
2. Respondent is ordered to pay the costs of the hearing, which are in excess of \$40,000, within 90 (ninety) days of the date of the Board's order.
3. Respondent is ordered to pay a fine in the amount of \$7,000 within 12 (twelve) months of the date of the Board's order.
4. Respondent is ordered to hire a compliance officer, approved by the Board, to monitor his practice and make quarterly reports to the Board for 3 (three) years. The compliance officer must monitor the licensing of staff, supervision of employees, Respondent's presence in the office when patient are treated, patient record keeping and billing. The compliance officer will also review patient files to ensure that each patient receives an initial examination and periodic re-examinations.
5. Respondent is ordered to complete a 12 (twelve) hour course in record keeping within 12 (twelve) months of the date of the Board's order. The class must be approved by the Board and be non-home study. The class will count toward Respondent's continuing education requirement.
6. Respondent is ordered to complete a 12 (twelve) hour course in ethics. The class must be approved by the Board and be non-home study.

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- 7. Respondent is ordered to re-take and pass the Nevada Law Test within 90 days of the date of the Board's order. Respondent has two (2) opportunities to pass the test within the 90 days.
- 8. Respondent is ordered to re-take and pass the National Board Special Purposes Examination for Chiropractic (S.P.E.C.) test within twelve (12) months of the date of the Board's order. Respondent has two (2) opportunities to pass the test within the twelve months.

IT IS SO ORDERED.

Dated this 20 day of June, 2003.

  
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CHAIRMAN