

BEFORE THE STATE BOARD OF CHIROPRACTIC EXAMINERS

STATE OF COLORADO

Case No. CH 95-04

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE LICENSE TO PRACTICE CHIROPRACTIC IN THE STATE OF COLORADO OF TAMEA RAE SISCO, D.C., LICENSE NO. 2835

IT IS HEREBY STIPULATED by and between the Colorado State Board of Chiropractic Examiners (the "Board") and Tamea Rae Sisco, D.C. "Respondent" as follows:

1. The Board has jurisdiction over the person of Respondent and the subject matter of this Stipulation and Order.

2. Respondent was licensed to practice chiropractic in the State of Colorado at all relevant times herein and is now so licensed. Prior to the commencement of this action, respondent's license to practice chiropractic in Colorado has not previously been the subject of discipline.

3. Respondent admits, and the Board finds, that Respondent's conduct during the course of evaluation, treatment, and generation of patient records, with respect to the patients referenced in the Notice of Charges, attached hereto as Exhibit 1, was negligent, in violation of § 12-33-117(1)(b), (2)(f) and (2)(m), C.R.S. (1991). Respondent denies any personal wrongdoing or personal knowledge of staff wrongdoing.

4. The statutory authority of the Board is as follows:

12-33-117. Suspension or revocation of license.

(1) The board may refuse, suspend, or revoke a license, including but not limited to a license under section 12-33-113, to practice chiropractic or electro-therapy by chiropractors for any of the following causes:

(b) [N]egligent conduct;

(2) For the purpose of this article, any one

of the following acts by a licensed chiropractor is declared to constitute unprofessional conduct:

(f) Violating this article or aiding any person to violate this article;

(m) Engaging in any of the following activities and practices: ... the administration, without clinical justification, of treatment which is demonstrably unnecessary;... or ordering or performing, without clinical justification, any service ... or treatment which is contrary to recognized standards of the practice of chiropractic as interpreted by the board[.]

5. The Board, by this Stipulation and Order, and pursuant to § 12-33-119(8), C.R.S. (1991) hereby orders that Respondent's license to practice chiropractic in the State of Colorado is placed on probation for one year, commencing from the date this Stipulation and Order is executed by all parties hereto. Credit towards the period of probation will be given only for the periods of time during which Respondent is in compliance with all terms of this Stipulation and Order, while she is practicing chiropractic in the State of Colorado, and has a minimum of ten files per month for review by the practice monitor, as described below.

6. Terms of the probation shall be as follows:

a. Respondent's practice of chiropractic must be supervised by a practice monitor nominated by Respondent and accepted by the Board. The practice monitor will submit monthly reports in writing to the Board in accordance with this Stipulation and Order. These reports shall be due by the 5th day of each month that follows the month for which the report is due.

(i) It shall be the responsibility of the practice monitor to visit the chiropractic practice of Respondent on a random basis, at least once every (thirty) 30 days to assure that Respondent is maintaining accurate patient records in accordance with the requirements of the Chiropractic Practice Act. During the visits to Respondent's office, the practice monitor shall review at least 10, but not more than 25 randomly selected patient files for the purpose of assuring that Respondent is complying with the requirements of the Chiropractic Practice Act, that the patient records and case files maintained on these patients are appropriate and adequate as medical records, and to determine whether Respondent is practicing chiropractic in accordance with the Chiropractic Practice Act. If Respondent has less than 10 files for review by the practice

monitor in any given month, no credit for probation will be given for that month.

(ii) The practice monitor must report the results of his or her monitoring to the Board in writing and send a copy of each report to Respondent. The practice monitor must submit his or her first report by the fifth day of the month following the first full month after approval of this Stipulation and Order. The practice monitor shall submit subsequent reports on the fifth day of every month thereafter.

(iii) If the practice monitor is of the opinion that Respondent is not practicing chiropractic or maintaining chiropractic records in accordance with generally accepted standards of practice he or she shall report this opinion and reasons for reaching that opinion to the Board. The practice monitor shall make such report, in writing, within 48 hours of forming his opinion. The practice monitor shall send a copy of the report to Respondent when he or she sends the report to the Board.

(iv) Respondent shall provide a copy of this Stipulation and Order to the practice monitor, who shall acknowledge receipt thereof to the Board and further acknowledge that he or she understands the duties and responsibilities undertaken.

(v) Respondent agrees not to practice chiropractic in Colorado without an approved practice monitor in place during the period of probation, unless the practice monitor terminates the monitoring relationship without sufficient notice for Respondent to obtain another practice monitor. In that event Respondent shall be allowed a period of 30 days during which she may practice chiropractic while she actively seeks another Board-approved practice monitor. If Respondent does not obtain another Board-approved practice monitor within a period of 30 days, she may not practice chiropractic until she obtains another Board-approved practice monitor. The practice monitor responsibilities shall be in accordance with the provisions of this order.

(vi) During the one year probationary period, Respondent shall complete accredited classes in chiropractic ethics and business/office management. Proof of completion of at least ten (10) classroom hours of each, for a total of at least 20 hours, shall be provided to the Board by Respondent prior to the end of probation. Respondent shall obtain Board approval prior to enrolling in the courses.

b. It is the obligation of Respondent to take reasonable steps to assure that the practice monitor reports, required pursuant to this Stipulation and Order, are submitted in

appropriate form and timely manner to the Board. The failure of Respondent to take reasonable steps to submit such reports may be deemed a violation of this Stipulation and Order by the Board, provided that Respondent shall be given a reasonable opportunity to show the practice monitor's failure was not her fault or such failure was beyond her control.

c. In the event Respondent terminates her practice in Colorado and practices solely in another state, Respondent shall notify the Board of that change within thirty (30) days thereof. In the event Respondent already has terminated her practice in Colorado Respondent will so notify the Board within thirty (30) days of the execution of this Stipulation and Order. In the event Respondent terminates or already has terminated her practice in Colorado, Respondent's probation will be tolled, and will not be considered actively served until Respondent returns to practicing chiropractic in Colorado under the terms and conditions of this Stipulation and Order.

d. Respondent shall comply with all provisions of the Chiropractic Practice Act and the rules and regulations of the Board.

e. Throughout the period of probation, Respondent shall attend any meeting with the Board upon the Board's written request and upon reasonable notice.

7. Respondent is aware of and understands the right to have a formal disciplinary hearing pursuant to § 12-33-119, C.R.S. (1991), and § 24-4-105, C.R.S. (1988 and 1995 Supp.). Respondent has had an opportunity to consult with and be represented by counsel in all stages of these proceedings. She knowingly, voluntarily, and without coercion waives her right to hearing and enters into this Stipulation with full understanding of its legal consequences. Both parties waive the right to appeal the order entered herein.

8. Respondent acknowledges that any violation of this Stipulation and Order may constitute grounds for disciplinary proceedings pursuant to the Chiropractic Practice Act, and, if proven may constitute a basis for further disciplinary action. In the event this matter is referred to hearing for violation of this Stipulation and Order, this Stipulation and Order shall be admissible as evidence. In the event an alleged violation of this Stipulation and Order is taken to hearing and the acts that

constitute the violation are determined to be not proven, no disciplinary action shall be taken by the Board, and this Stipulation and Order shall remain operative and in full force and effect. The pendency of any disciplinary action pursuant to this Stipulation and Order shall not affect the obligation of Respondent to comply with the terms of this Stipulation and Order.

9. If, at the end of the probation period, the Board finds that Respondent has adhered to all the terms of this Stipulation and Order, then this proceeding and the requirements thereunder shall be deemed completed, and this proceeding dismissed.

10. This Stipulation and Order settles all matters contained in Reports of Investigation Nos. CA-00-6384, CA-006494 and CA-006495, Case No. CH 95-04, and all associated administrative actions, as well as any other matters currently received by the Board or the Complaints and Investigations Section of the Department of Regulatory Agencies. This Stipulation does not, and cannot, settle any complaints which may be received by the Board in the future.


11. In the event that this Stipulation and Order is not accepted and made an Order of the Board, it shall be null and void, and neither party shall be bound by its provisions; nor shall it be admissible as evidence in any forum.

12. This Stipulation and Order shall become an Order of the Board when accepted by the Board and signed by and authorized Board member.

13. This Stipulation and Order, once approved and executed by the Board, will become a public record in the custody of the Board.

14. The effective date of this Stipulation and Final Agency Order shall be the date the Order is signed and dated by the Board's authorized representative and served upon Respondent and her counsel.


RESPONDENT:


TAMEA RAE SISCO, D.C.
120 South Walnut Street
Newton, Kansas 67114
(316) 283-1142

Date: 3/12/96

COLORADO STATE BOARD OF
CHIROPRACTIC EXAMINERS

By:


1560 Broadway, Suite 1310
Denver, Colorado 80202

Effective date: This 14 day
of March, 1996.

APPROVED AS TO FORM:

GALE A. NORTON
Attorney General

TIMOTHY M. TYMKOVICH
Solicitor General

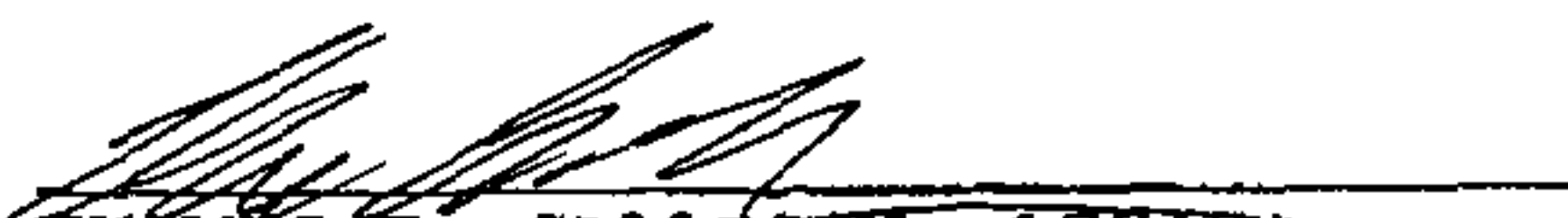
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