

**BEFORE THE OKLAHOMA BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.)	
BOARD OF CHIROPRACTIC)	
EXAMINERS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 003-2014
)	
BOB J. HAMBY, D.C.)	
)	
Respondent.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

On April 16, 2015, the Oklahoma State Board of Chiropractic Examiners (Board) heard the above styled and numbered administrative action. Members Howard, Miller, Rowe, Sturgill, Travis, Van Whye, Waddell, and Walker were present. President Waddell presided. Mr. Steven Barker, Assistant Attorney General, prosecuted for the Board. The Respondent received timely notice but failed to appear and was not represented by counsel. The Board heard witnesses, received evidence and was fully apprised of the facts and allegations.

FINDINGS OF FACT

1. On September 16, 2013, Respondent filed an *Application for Relocation of License* with the Oklahoma Board of Chiropractic Examiners (“Board”). See Board Exhibit A.
2. On July 16, 1988, an administrative complaint (0094420) was brought against the Respondent before the Florida Department of Professional Regulation (“FDPR”).
3. On March 29, 1989, the FDPR issued its *Final Order of the Board of Chiropractic*,

placing Respondent on probation for a period of one year, and assessing a One Thousand Dollar (\$1,000.00) fine payable within thirty (30) days. See Board Exhibit B

4. On August 2, 1989, a second administrative complaint (0110926) was brought against the Respondent before the FDPR.

5. On May 2, 1990, the FDPR issued its *Closing Order*, issuing a letter of guidance to the Respondent. See Board Exhibit C.

6. On June 5, 1990, the FDPR filed yet another complaint (0099192) against Respondent based on his failure to pay the assessed fine in complaint number 0094420.

7. On August 9, 1990, the FDPR issued its *Final Order of the Board of Chiropractic* suspending Respondent's license until the assessed fine had been paid. See Board Exhibit D.

8. On February 27, 1991, the FDPR sought revocation of Respondent's license for his continued failure to comply with the orders contained in case 0094420.

9. On December 19, 1991, the FDPR issued its *Final Order of the Board of Chiropractic* revoking Respondent's license. See Board Exhibit E.

10. Paragraph four of the Oklahoma Board of Chiropractic Examiner's *Application for Licensure by Relocation* asks "Have any of the healing arts licenses you hold or have held ever been revoked, suspended, cancelled, or denied?" Respondent answered "No."

11. On January 23, 2014, Complaint 003-2014 was filed with the Oklahoma Board of Chiropractic Examiners. See Board Exhibit F.

12. Pursuant to OAC 140:3-3-2(d), a letter dated February 5, 2014 was sent to Respondent's last known mailing address on file with the Board, notifying Respondent of the complaint. See Board Exhibit G.

13. On March 31, 2014, Respondent forfeited his license to practice chiropractic in the State of California. On May 16, 2014, Respondent received citations from the California Board of Chiropractic Examiners for: (1) exceeding the scope of his practice; (2) unprofessional conduct – gross negligence; and (3) participation in Fraud/Misrepresentation. See Board Exhibit H.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the Respondent and the subject matter of this action pursuant to 59 O.S.2011, § 161.12.

2. Any Finding of Fact which is properly a Conclusion of Law is hereby incorporated by reference and vice versa.

3. Respondent has violated 59 O.S.2011 § 161.9(C)(2) by failing to disclose on his application for relocation that disciplinary action had been taken against him in the State of Florida, including revocation of his license, as forth in the Findings of Fact above.

4. Respondent has violated OAC 140:15-7-5(12)(C) by obtaining a license to practice chiropractic in Oklahoma by fraud or deception.

5. Respondent has violated OAC 140:15-7-5(5) by failing to maintain the highest standards of professional conduct.

6. Based on the above Findings of Fact, the Board has authority to take action against Respondent pursuant to 59 O.S.2011, §161.12(A), (B)(9), (B)(12) and (B)(13).

FINAL ORDER

1. Respondent has violated 59 O.S.2011 § 161.9(C)(2) by failing to disclose on his

application for relocation disciplinary actions taken against him by a licensing body in another state.

2. Respondent has violated OAC 140:15-7-5(12)(C) by obtaining a license to practice chiropractic in Oklahoma by fraud or deception.

3. Respondent has violated OAC 140:15-7-5(5) by failing to maintain the highest standards of professional conduct.

4. Respondent's license #4131 to practice chiropractic in the State of Oklahoma is hereby REVOKED.

All members present vote "Aye".



Chris Waddell, D.C., President
Oklahoma Board of Chiropractic Examiners

Issued this the 27th day of April, 2015.



California Department of Consumer Affairs

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CONSUMERS APPLICANTS LICENSEES ABOUT US

BOARD OF CHIROPRACTIC EXAMINERS

Licensee Name: HAMBY BOBBY J. JR.
License Type: Chiropractor
License Number: 20210
License Status: FORFEITURE Definition
Expiration Date: March 31, 2014
Issue Date: January 27, 1990
Address: 20409 YORBA LINDA BLVD #205
City: YORBA LINDA
State: CA
Zip: 92886
County: ORANGE
Actions: Yes

Related Licenses/Registrations/Permits

No records returned

Disciplinary Actions

No information available from this agency

CITATIONS

May 16, 2014:	Citation Issued
CCR	302.(a) EXCEED SCOPE OF PRACTICE 1. NO JURISDICTION/FEE DISPUTE
May 16, 2014:	Citation Issued
CCR	302.(a) EXCEED SCOPE OF PRACTICE
CCR	311. ADVERTISEMENTS
May 16, 2014:	Citation Issued
CCR	317.(a) UNPROF CONDUCT-GROSS NEGLIGENC
CCR	302.(a) EXCEED SCOPE OF PRACTICE 1. NO JURISDICTION/FEE DISPUTE
May 16, 2014:	Citation Issued
CCR	317.(g) PARTCPATN IN FRAUD/MISREPRESENT

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 The reports contained as part of this web site represent summaries of those formal disciplinary orders issued by the Department of Consumer Affairs (DCA) and its participating programs, boards, committees, and commissions, imposing suspension, revocation or other discipline. Disciplinary proceedings which are resolved by dismissal of the accusation or otherwise result in no actual discipline of a license are not reported at this web site. The lack of a summary for a particular licensed person does not mean that the licensee has never been the subject of an accusation or administrative discipline.

Summary information on recent orders is prepared approximately ninety (90) days after the final decision date of a disciplinary case. Therefore, although this web site may presently lack any such report, some licensees will actually be named in accusations, or be subject to disciplinary orders.

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As used in this summary, the term "accusation" is a formal document that notifies a licensee of the agency's charges against the licensee, and that requests a disciplinary order. The licensee is entitled to contest the charges in a formal hearing before an administrative law judge. An accusation is usually resolved by an agency decision following such a hearing or by an agency decision pursuant to a settlement agreement. Often there is a considerable period of time between the date of filing an accusation and the resolution of the accusation.

The term "suspended" means that the licensee's right to practice has been suspended for a period of time, usually for a specified number of days or months. A suspended licensee may not practice during the period of suspension. A suspension will usually be imposed in conjunction with a lengthy period of probation of two or more years.

The term "revoked" means that the licensee's right to practice has been completely taken away. Revocation is not necessarily permanent, however. A person whose license is revoked has the right, one year or more after the revocation, to apply for reinstatement. Some applications are successful.

EXHIBIT "H"