

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

STATE OF OKLAHOMA, ex rel.)	
BOARD OF CHIROPRACTIC)	
EXAMINERS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 049-2005
)	
Jeffrey Lewis, D.C.,)	
)	
Respondent.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

On the 28th day of March, 2006, the Oklahoma State Board of Chiropractic Examiners (Board) heard the above styled and numbered administrative action. Members Carder, Gardner, Shayne Javersak, McClure, Mead, and Toy were present. President Tripp recused himself and was not present. Vice President Carder presided. Ms. P.K. Floyd prosecuted for the Board. The Respondent appeared and was represented by legal counsel, Mr. Irvin Box. The Board heard witnesses, received evidence and was fully apprised of the facts and allegations.

The Complaint in the instant matter is hereby incorporated by reference.

FINDINGS OF FACT

1. Respondent holds license # 3372 issued by the Oklahoma Board of Chiropractic Examiners.

2. On September 1, 1988, Respondent pled guilty in King County, Washington, to three (3) felony counts of delivering marijuana and four (4) felony counts of possessing marijuana with the intent to distribute in violation of Washington State's Uniform Controlled Substances Act. Police seized over 100 marijuana plants and over \$6,000.00 in cash and handguns from Respondent's primary residence. Police also seized large amounts of harvested and dried marijuana from a second residence which Respondent rented to one of the employees of his chiropractic clinic. Police further seized 471 plants from a third residence which Respondent rented to another of his employees. After being advised of his Miranda rights, Respondent admitted to police that all of the plants were his.

3. On December 20, 1988, Respondent was sentenced by the Superior Court of Washington, King County, to forty-three (43) months of confinement in the custody of the Washington State Department of Corrections.

4. On March 10, 1989, Respondent's license to practice chiropractic in the State of Washington was revoked because of his felony conviction.

5. On July 21, 1989, the U.S. Department of Health and Human Services sanctioned Respondent for violation of the Social Security Act, section 1128(b)(3): conviction relating to controlled substances. The sanction excluded Respondent from Medicare reimbursement.

6. On August 23, 1990, Respondent's license to practice chiropractic in the State of Pennsylvania was automatically suspended because of his felony conviction.

7. On September 21, 1994, Respondent's application for initial licensure to practice chiropractic in the State of Arizona was denied because of his felony conviction.

8. On November 16, 1995, Respondent's application for initial licensure to practice chiropractic in the State of West Virginia was denied because of violation of other board rules/regulations.

9. On November 14, 1996, Respondent's application for initial licensure to practice chiropractic in the State of South Carolina was denied because of board actions taken in another jurisdiction.

10. On January 16, 1996, Respondent applied for licensure by examination with the Oklahoma Board of Chiropractic Examiners. On his application, Respondent falsely answered "No" to part 6 of the application which asked: "Have you ever been convicted of a felony? If yes, give dates, places, actions taken and courts involved. (Attach ALL pertinent information [sic])."

11. On his application of January 16, 1996, Respondent falsely answered "N/A" to part 9 of the application which stated: "Name states in which you now hold or have held a license to practice chiropractic. (Give year you obtained license and method of obtaining license - by examination, reciprocity or grandfather clause)".

12. On his application of January 16, 1996, Respondent falsely answered "NO" to part 10 of the application which asked: "Have any of the healing arts licenses you hold or have held ever been revoked, suspended, cancelled or denied? If so, give explanation in full;".

13. On his application of January 16, 1996, Respondent falsely answered “N/A” to part 11 of the application which asked: “How long have you been practicing chiropractic and where?”

14. On January 7, 1997, the Oklahoma Board of Chiropractic Examiners issued Respondent original license # 3372 by examination.

15. On his application for license renewal for calendar year 2004, Respondent falsely answered “NO” to the following question: “Have you been convicted of felony or misdemeanor [sic] excluding speeding or parking violations, which you have not previously reported to the OBCE.”

16. On his application for license renewal for calendar year 2004, Respondent falsely answered “NO” to the following question: “Has disciplinary action been taken against you in connection with any professional license or certification that you now hold or have held in any other state or jurisdiction that you have not previously reported to the OBCE?”

17. On his application for license renewal for calendar year 2005, Respondent falsely answered “NO” to the following question: “Have you been convicted fo a felony, misdemeanor, or pled nolo contendere excluding speeding or parking violations, which you have not previously reported to the OBCE?”

18. On his application for license renewal for calendar year 2005, Respondent falsely answered “NO” to the following question: “Has disciplinary action been taken against you in connection with any professional license or certification that you now hold

or have held in any other state or jurisdiction that you have not previously reported to the OBCE?”

19. On his application for license renewal for calendar year 2006, Respondent falsely answered “NO” to the following question: “Have you been convicted fo a felony, misdemeanor, or pled nolo contendere excluding speeding or parking violations, which you have not previously reported to the OBCE?”

20. On his application for license renewal for calendar year 2005, Respondent falsely answered “NO” to the following question: “Has disciplinary action been taken against you in connection with any professional license or certification that you now hold or have held in any other state or jurisdiction that you have not previously reported to the OBCE?”

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the parties and the subject matter of this action pursuant to 59 O.S.Supp.2005, § 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.Supp.2005, § 161.12(B)(1) by pleading guilty, nolo contendere or being convicted of a felony or a violation of federal or state controlled dangerous substances laws, as set forth in the First Allegation of the Complaint.

4. Respondent has violated 59 O.S.Supp.2005, § 162.12(B)(9) by obtaining an original license in a fraudulent manner, as set forth in the Second Allegation of the Complaint.

5. Respondent has violated 59 O.S.Supp.2005, § 162.12(B)(9) by obtaining three (3) renewal licenses in a fraudulent manner, as set forth in the Third Allegation of the Complaint.

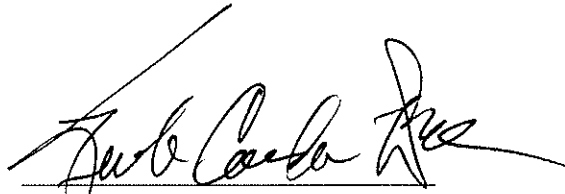
6. Based on the above Findings of Fact, the Board has authority to take action against Respondent pursuant to 59 O.S.Supp.2005, §161.12(A) and (B).

ORDER

1. Respondent is guilty of all three allegations set out in the Complaint.
2. Respondent is hereby fined One Thousand Dollars (\$1,000.00) for each of the following violations for a total fine of Five Thousand Dollars (\$5,000.00):
 - (1) conviction of a felony involving controlled substances;
 - (2) fraudulently obtaining an original license;
 - (3) fraudulently obtaining a renewal license for calendar year 2004;
 - (4) fraudulently obtaining an original license for calendar year 2005;
 - (5) fraudulently obtaining an original license for calendar year 2006.
3. Respondent's license # 3372 is hereby revoked.
4. The revocation of Respondent's license shall be stayed for a period of thirty (30) days from the date of the hearing in order to permit Respondent to transfer the care of his

patients with critical conditions to other health care providers. The revocation shall be effective April 28, 2006.

All members present vote "Aye".



Kent Carder, Vice President
Board of Chiropractic Examiners