

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

STATE OF OKLAHOMA, ex rel.)	
BOARD OF CHIROPRACTIC)	
EXAMINERS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 003-2010
)	
Teresa A. Sullivan, D.C.)	
)	
Respondent.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

On the 24th day of August, 2010, the Oklahoma State Board of Chiropractic Examiners (Board) heard the above styled and numbered administrative action. Members Ernst, Gardner, Gilstrap, Javersak, Mead, McClure, Resler, Tripp and Toy were present. President Tripp presided. Ms. P. Kay Floyd prosecuted for the Board. The Respondent appeared but was not represented by counsel. 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. In January, 2009, Respondent began treating patient T.C. and her minor child both of whom had been involved in a motor vehicle accident. On October 7, 2009, Respondent received a request for medical records from T.C.'s attorney, Mr. Charles Alred. Included in the request

was an authorization for release of the records signed by T.C. Respondent failed to provide Mr. Alred the records. See Plaintiff's Exhibit No. 2.

2. On November 2, 2009, Respondent received a second request for medical records from Mr. Alred. Respondent failed to provide the records. See Plaintiff's Exhibit No. 2.

3. On November 30, 2009, Respondent received a third request for medical records from Mr. Alred. Respondent failed to provide the records. See Plaintiff's Exhibit No. 2.

4. On December 22, 2009, Respondent received a fourth request for medical records from Mr. Alred. Respondent failed to provide the records. See Plaintiff's Exhibit No. 2.

5. On May 17, 2010, Respondent received a telephone call from Board attorney, Ms. P. Kay Floyd. Respondent told Ms. Floyd that Mr. Alred would receive the records by May 21, 2010. However, Respondent did not send the records until June 7, 2010, eight months after the initial request. See Plaintiff's Exhibit No. 3.

6. At the hearing, Respondent testified that she took the original patient records to her brother's residence in Kansas City over the Thanksgiving weekend in November of 2009 and inadvertently left them there. After returning home, Respondent could not find the records and asked her brother if they were at his home. Her brother replied that they were not at his residence. However, Respondent returned to her brother's home two months later, found and retrieved the records.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the Respondent and the subject matter of this action pursuant to 59 O.S.Supp.2009, § 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 OAC 140:15-7-5(3) which provides in pertinent part that "chiropractic physicians shall comply within twenty-one (21) calendar days of a patient's authorization certification to provide records, or copies of such records, to those persons whom the patient designates as authorized to inspect or receive all or part of such records."

4. Based on the above Findings of Fact, the Board has authority to take action against Respondent pursuant to 59 O.S.Supp.2008, §161.12(A) and (B)(13).

FINAL ORDER

1. Respondent is guilty on all five counts in the Complaint.

2. Respondent's license is hereby placed on probation until March 15, 2011.

3. Respondent is hereby ordered to complete a minimum of eight (8) hours of continuing education on documentation and records keeping by taking a course from a list of approved courses which will be provided to Respondent by the Board. The course on documentation and record keeping must be completed before the end of Respondent's probationary period and will be in addition to the regular sixteen hours of continuing education required for license renewal.

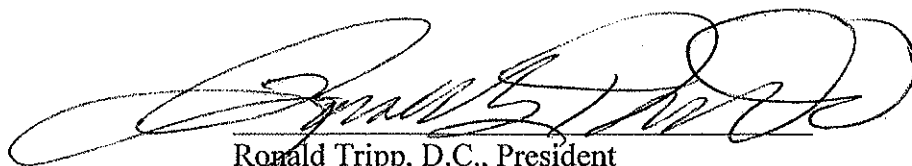
4. Respondent is also ordered to complete the National Board's two-hour course on ethics and boundaries. Respondent must complete the course prior to the end of her probationary period.

5. Respondent is furthered ordered to pay a fine of Four Hundred Dollars (\$400.00) per count for a total fine of Two Thousand Dollars (\$2,000.00) to be paid in monthly installments of

Five Hundred Dollars (\$500.00) beginning September 15, 2010.

Failure of Respondent to comply with the terms of this Order may result in further disciplinary action up to and including suspension or revocation of Respondent's license.

All members present vote "Aye".

A handwritten signature in black ink, appearing to read "Ronald Tripp", is written over a horizontal line. The signature is highly stylized and cursive.

Ronald Tripp, D.C., President
Oklahoma Board of Chiropractic Examiners