

IOWA BOARD OF CHIROPRACTIC

IN THE MATTER OF:)	CASE NO. 10-016
)	DIA NO. 11ICB002
JEFFREY JIRAS, D.C.)	
License No. A05212)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
RESPONDENT)	DECISION AND ORDER

On February 8, 2011, the Iowa Board of Chiropractic (Board) filed a Notice of Hearing and Statement of Charges against Jeffrey Jiras, D.C. (Respondent). The hearing was held on April 12, 2011 at the Lucas State Office Building, Des Moines, Iowa. The hearing was closed to the public at Respondent's request, pursuant to Iowa Code section 272C.6(1)(2011), and was recorded by a certified court reporter. The Respondent appeared and was self-represented. The state of Iowa was represented by Meghan Gavin, Assistant Attorney General. The following Board members were present for the hearing, Chairperson Michael Powell, D.C.; John Calisesi, D.C.; Rex Jones, D.C.; Dori Rammelsberg-Dvorak, D.C.; Bradley Brown, D.C.; and Leslie J. Duinink and Sharon Tate, public members. Administrative Law Judge Margaret LaMarche from the Iowa Department of Inspections and Appeals assisted the Board in conducting the hearing and was instructed to prepare the Board's Decision in conformance with their deliberations.

THE RECORD

The record includes the Notice of Hearing, the testimony of Respondent, and State Exhibits 1-4.

FINDINGS OF FACT

1. Respondent was initially issued license number A05212 to practice chiropractic in the state of Iowa on August 4, 1986. (State Exhibit 1, p. 5)
2. Respondent's chiropractic license expired on June 30, 2008. On or about June 3, 2010, the Board received a complaint that Respondent was practicing chiropractic without an active license. The Board referred the complaint to the Department of Inspections and Appeals for investigation. On July 6, 2010, DIA

Investigator Corey Powell made an unannounced visit to Respondent's chiropractic clinic in Oxford, Iowa. Respondent verified that he was practicing chiropractic, had patients scheduled for the rest of the day, and had practiced chiropractic without interruption since 1988. Respondent told Mr. Powell that he was not aware his license was on inactive status and that the Board must have made an error. Mr. Powell advised Respondent that he should not provide any further chiropractic services until his license was reinstated to active status. Respondent told Mr. Powell that he would contact the Board immediately. (Testimony of Corey Powell; State Exhibits 1-3)

3. On July 15, 2010, Respondent signed an "Application for Reactivation of An Iowa License to the Board." Question 26 required applicants to list the course name, course provider, date(s) attended, and continuing education hours earned. It further stated "**You must attach copies of your proof of completion for each course.**" The Board received Respondent's reinstatement application on July 16, 2010. (State Exhibit 3, pp. 2-3, emphasis original).

In response to question 26, Respondent listed six continuing education courses (65.5 hours) that he completed between November 1, 2008 and May 23, 2010. However, Respondent failed to attach copies of proof of completion for each course. On July 16, 2010, the Board sent Respondent a letter advising him that his application was incomplete because he had not submitted copies of certificate(s) of completion or transcripts for his continuing education. The letter further stated "**YOUR LICENSE MUST BE REACTIVATED BEFORE YOU MAY LEGALLY PRACTICE IN IOWA.** To check the status of your license you may go to the license verification website www.licensediniowa.gov." The letter also provided the name, telephone number, and email address of a Board staff person who could answer any questions. (State Exhibit 3, pp. 1-2, emphasis original)

4. The Board did not receive the requested documentation and Respondent's license continued on inactive status. On January 7, 2011, DIA Investigator Corey Powell contacted Respondent, at the Board's request, to find out if he continued to practice chiropractic. Respondent confirmed that he was still practicing chiropractic. When Mr. Powell told him that his license was still inactive, Respondent replied that he had submitted his continuing education documents and licensing fees shortly after their previous meeting in July 2010. Respondent told Mr. Powell that he would contact the Board immediately. (Testimony of Corey Powell; State Exhibit 4)

5. Respondent eventually reinstated his license in February 2011. Respondent admits that he never stopped practicing chiropractic because he “knew that he had not done anything wrong.” According to Respondent, he sent in his continuing education hours and a check for the fees to renew his license when they were due in 2008. Respondent testified that he did not have a cancelled check or any bank records to show that he paid the renewal fee in 2008 because he had subsequently closed that bank account. Respondent admits that he never received his renewal card from the Board in the mail and never contacted the Board to find out why he did not receive the renewal card. Respondent did not realize that his license was inactive until Corey Powell came to his office in July 2010.

Respondent further testified that he sent his continuing education certificates to the Board two days after he submitted his reactivation application. Respondent concedes that he did not hear back from the Board and did not receive his renewal card in the mail. Respondent just assumed that his license had been reactivated but never checked with the Board or the Board’s website to confirm this. (Testimony of Respondent)

CONCLUSIONS OF LAW

At all times relevant to this Decision and Order, Iowa Code section 147.55(9) provided that a license to practice a profession shall be revoked, suspended, or otherwise disciplined when the licensee is guilty of...other acts or offenses as specified by board rule.

645 IAC 45.2 provides, in relevant part:

Grounds for discipline. The board may impose any of the disciplinary sanctions provided in rule 645-45.3(147,272C) when the board determines that the licensee is guilty of any of the following acts or offenses:

...

45.2(12) Violation of a regulation or law of this state, another state, or the United States, which relates to the practice of the profession.

...

45.2(25) Representing oneself as a chiropractic physician when one’s license has been suspended or revoked, or when one’s license

is on inactive status.

Iowa Code section 147.2 provides that a person shall not engage in the practice of ...chiropractic, unless the person has obtained a license for that purpose from the board for the profession. Iowa Code section 147.10 provides that every license to practice a profession shall expire in multiyear intervals and be renewed as determined by the board upon application by the licensee. Each board is required to establish rules for license renewal and concomitant fees. Application for renewal shall be made to the board accompanied by the required fee at least thirty days prior to the expiration of such license.

The preponderance of the evidence established that Respondent continued to represent himself to the public as a licensed chiropractor and continued to provide chiropractic services for more than 2½ years after his license became inactive, in violation of Iowa Code section 147.55(9) and 645 IAC 45.2(12) and (28). Respondent admits that he practiced chiropractic for 2½ years without an active license. Nevertheless, Respondent contends that he did nothing wrong.

Respondent maintains that in 2008 he completed a renewal application and sent a check to the Board for his license renewal fee. However, Respondent was unable to produce any bank record or cancelled check to show that the fee was in fact submitted and received by the Board. Even though Respondent never received a license renewal card from the Board in 2008, he never contacted the Board to find out why. Respondent continued to practice chiropractic without a license renewal card.

Moreover, even after DIA Investigator Corey Powell visited Respondent on July 6, 2010, Respondent never stopped practicing. Mr. Powell told Respondent that his license was inactive and that he must stop practicing until his license was reactivated. The Board did not receive Respondent's reactivation application until July 16, 2010, which was ten days after Mr. Powell's visit. Respondent's reactivation application was incomplete because it did not include his continuing education certificates. The Board notified Respondent in writing that the application was incomplete. The Board's letter explicitly warned Respondent that he could not practice until his license was activated and provided him with multiple ways to verify the reactivation of his license with the Board.

Respondent maintains that he submitted the missing continuing education certificates two days after submitting the application, although the Board had no

record of receiving them. Respondent did not receive any confirmation from the Board that his license had been reactivated, and he did not call the Board or consult its website to verify that his documentation was received and his license was reactivated. Respondent continued to practice chiropractic on his inactive chiropractic license until February 2011.

Respondent believes that the state's recommended sanction of a citation and warning and a \$1000 civil penalty is too severe under the circumstances. The Board, on the other hand, believes that the state's recommendation is too lenient. Respondent's attitude towards his professional license was completely nonchalant, even after the problem was brought to his attention by Corey Powell. When Respondent was notified that his license was inactive, he should have immediately ceased practicing until he had an active license in hand or had verified successful reactivation through the Board office. Respondent's actions and his testimony at hearing demonstrated a complete lack of appreciation for the importance of the Board's licensing requirements. Respondent has practiced chiropractic for an extended period of time when he was not entitled to do so. The facts of the case justify a period of license suspension in addition to the civil penalty proposed by the state.

ORDER

IT IS THEREFORE ORDERED that Respondent Jeffrey Jiras, D.C. is hereby CITED for representing himself as a chiropractor while his license was on inactive status. Respondent is hereby WARNED that future violations will result in more severe disciplinary action.

IT IS FURTHER ORDERED that Respondent Jeffrey Jiras, D.C. shall pay a civil penalty of \$1000, within 30 days of the date of issuance of this Decision and Order.

IT IS FURTHER ORDERED that Respondent's chiropractic license, license number A05212, shall be SUSPENDED for a period of fourteen (14) days, beginning at 6:00 a.m. on Friday, July 1, 2011 and ending at 6:00 a.m. on Friday July 15, 2011. Respondent shall not provide any chiropractic services to the public during the period of suspension.

IT IS FURTHER ORDERED, pursuant to Iowa Code section 272C.6, that Respondent Jeffrey Jiras, D.C. shall pay \$75.00 for fees associated with the

disciplinary hearing and \$ 82.50 for the court reporter fees. The total fees of \$157.50 shall be paid within thirty (30) days of receipt of this decision.

If Respondent fails to comply with any provision of this Decision and Order, the Board may hold a hearing, pursuant to Iowa Code section 272C.3(2)(a)(2011), and additional disciplinary action may be taken.

Dated this 21 day of April, 2011.