

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	Case # 2016-3007 and
Kim Christensen, DC)	2015-3018
)	
)	STIPULATED FINAL
Licensee.)	ORDER
)	
)	

The Oregon Board of Chiropractic Examiners (hereafter "Board" or "OBCE") is the state agency responsible for licensing, regulating, and disciplining chiropractic physicians and certified chiropractic assistants in the State of Oregon. Kim Christensen, DC (hereafter "Licensee"), is currently licensed by the Board to practice as a chiropractic physician in Oregon.

Findings of Fact

1.

The Board received two complaints surrounding Licensee's advertising practices and Licensee targeting vulnerable elder citizens with an expensive treatment program that wasn't explained to the patients or necessary for their medical conditions. The Findings of Fact contained in the Board's Proposed Notice of Disciplinary Action issued on October 3, 2016 is hereby incorporated by reference.

Conclusions of Law

2.

The Board finds that the above is in violation of ORS 684.100(1)(f)(A) and (B), and (o), OAR 811-035-0015(2), (5), (7) and (12) charging fees for unnecessary services, charging a patient for services not rendered, directly or indirectly engaging in threatening, dishonest or misleading fee collection techniques and perpetrating fraud upon patients or third party payors relating to the practice of chiropractic. The board also finds that a doctor/patient relationship existed pursuant to OAR 811-010-0005(4). Writing the letter for Patient 2 is a violation of OAR 811-035-0015(25). The advertising violates the Doctor's Title Act in ORS 676.110(2) and ORS 684.100(1)(i) and (j).

Licensee does not admit to these violations and disagrees with the Board's findings of fact and conclusions of law.

Stipulations

3.

Therefore, pursuant to ORS 183.415(5) and ORS 684.100(9)(e) the OBCE orders:

1. The parties have agreed to enter this Stipulated Final Order. Licensee agrees that he is aware of his right to a hearing with his attorney present to contest the charges and hereby waives that right and agrees to entry of this order. Licensee agrees to waive any right to appeal. The parties wish to settle and resolve the above matter without further proceedings.
2. Licensee agrees that in lieu of proceeding to hearing on this matter, that he will surrender his Oregon Chiropractic license as of July 31, 2017. After that date, Licensee will not practice chiropractic in the state of Oregon, or maintain majority ownership of any chiropractic office.
3. Licensee agrees to pay a civil penalty in the sum of \$7000 within 60 days of this order being signed. Pursuant to Oregon Revised Statute 293.231 the Board will refer the amounts owed to collection if it has received no payment on the account for more than 90 days. Thereafter, the Board will consider assignment to the Oregon Department of Revenue or a private collection agency for collection. Final fees may include additional percentages of any increase in the amount you owe due to the accrual of interest on the unpaid principal amount and the cost of collection.
4. Prior to his license surrender, Licensee agrees to limit his practice to treatment of the neuromuscular skeletal complaints using spinal manipulations, extremity manipulations, physical therapy and rehabilitation. Licensee also agrees not to advertise functional medicine seminars provided by Licensee, and agrees not to hold any seminars in Oregon related to chiropractic care.
5. Licensee agrees he will have a well-defined refund written policy that is provided to all patients.
6. There will be no cost recovery sought by the Board.
7. If Licensee violates any of the terms of this order, the Board may consider further discipline.

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8. This order is effective on the date signed by the Board and is a public record.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

DATED this 9th day of June, 2017

Original signature are on file in OBCE office.

By: Cassandra C. Skinner, J.D., Executive Director

DATED this 2 day of June, 2017

Original signature are on file in OBCE office.

By: Kim Christensen, D.C.

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	Case # 2016-3007 and
Kim Christensen, DC)	2015-3018
)	
)	PROPOSED NOTICE OF
Licensee.)	DISCIPLINARY ACTION
)	
)	

The Oregon Board of Chiropractic Examiners (hereafter "Board" or "OBCE") is the state agency responsible for licensing, regulating, and disciplining chiropractic physicians and certified chiropractic assistants in the State of Oregon. Kim Christensen, DC (hereafter "Licensee"), is currently licensed by the Board to practice as a chiropractic physician in Oregon.

Findings of Fact

1.

The Board received two complaints surrounding Licensees advertising and Licensee targeting vulnerable elder citizens with an expensive treatment program that wasn't explained to the patients or necessary for their medical conditions.

Licensee advertised as "functional endocrinology" on line and with fliers and received patients that believed they were going to a medical doctor. Licensee holds complimentary lectures to the public on auto-immune disorders and signs up patients for complimentary initial consultations.

2.

Case 2016-3007: Patient 1 was looking for an endocrinologist and found that Licensee advertised as a "functional endocrinologist" on line. She found an office located in Clackamas Oregon. When Patient 1 went to Licensee he told her she needed extensive blood tests. On her second appointment, Licensee explained that her blood test results "were not good." She was told she had Hashimoto's disease and other issues. She was given odds of having a heart attack or stroke and developing diabetes and that she needed to address her issues now through treatment with Licensee. That treatment involved a full nutritional protocol that only Licensee could provide. Patient 1 recalls that Licensee said he could "fix me 100%" if she would follow his routine and it would take 6 months. The cost for the program was over \$8000 and it could be financed. Licensee told her it was a nutrition program not covered by her insurance. As part of this program, Patient 1 was also required to see a nutritionist 2-3 times per week. Patient 1 told Licensee she did not have the money for that treatment and declined to pursue it.

Patient records reviewed show that Licensee does a PARQ, reviews their medical history at the consultation, notes a list of medications, and receives informed consent from the patients for treatment. Thus, the Board believes there is a doctor/patient relationship formed.

Afterward, Patient 1 did some research and found that Licensee was not a medical doctor as she had thought when she went to him. She was confused because he advertised as an endocrinologist.

Licensee indicated in the investigation he does not talk to the primary doctors of the patients, but leaves that up to the patient to do that.

In terms of the advertising, on the building where Licensee provided care in Clackamas Oregon, the business sign indicated "functional endocrinology" but did not have Licensee's name or DC credentials listed. On the patient records for Patient 1, the top of the invoice and records also show "functional endocrinology" as the title of the office.

On the website advertisement it states "functional endocrinology" and has both Washington and Oregon phone numbers listed. It also states "our specialists offer the finest alternative natural treatments to reverse Type II Diabetes." At no point on the website does it list a doctor or credentials of staff who would perform these treatment services.

The flier for the seminar lists "Dr. Kim Christensen" but does not state what type of medical professional Licensee is.

The above is in violation of ORS 684.100(1)(f)(A) and (B), and (o), OAR 811-035-0015(2), (5), (7) and (12) charging fees for unnecessary services, charging a patient for services not rendered, directly or indirectly engaging in threatening, dishonest or misleading fee collection techniques and perpetrating fraud upon patients or third party payors relating to the practice of chiropractic. The board also finds that a doctor/patient relationship existed pursuant to OAR 811-010-0005(4).

The advertising violates the Doctor's Title Act in ORS 676.110(2) and ORS 684.100(1)(i) and (j).

3.

Case 2015-3018: Patient 2 was in her 90s and came to one of his seminars. It was held at the Monarch Hotel in Portland Oregon. She was being treated by her medical doctor for diabetes. Licensee convinced Patient 2 to purchase the \$8000 treatment regime even though she could not afford to do so. He offered her the opportunity to take out an interest free credit card to make the payments per month.

After she signed up for the program, Licensee offered that if she went to a second seminar and stood up and spoke as a testimonial that the program worked, he would reduce her fee by \$500. Patient 2 provided the testimonial.

After she had her blood tested, Licensee indicated that there were many problems with her test results. Patient 2 became concerned and agreed to be treated. Licensee provided her with powdered supplements and she went in for treatments and had blood draws. When she went in a nutritionist would also review what she had eaten. She would then get additional supplements. Patient 2 wanted to get off of her diabetes medication and manage her condition through diet alone.

During the investigation of this matter, Licensee contacted Patient 2 and attempted to get her to withdraw a complaint to the Board he assumed she had filed which she had not. A letter with Patient 2's signature on it came to the Board from an envelope from Licensee's office. When the Board

investigator asked Patient 2 if she was aware of the letter she said she was not. The investigation showed that Licensee had written the letter and had asked Patient 2 to sign it, thinking she was signing something related to her care. During the investigation it was discovered that Licensee had refunded \$2000 to Patient 2 in exchange for her signing the letter to withdraw the complaint.

When asked if Licensee was aware there was an ethical rule disallowing a Licensee to interfere with an ongoing investigation or negotiate with a complainant or witness about their testimony, Licensee stated he was not aware of that.

The above is in violation of ORS 684.100(1)(f)(A) and (B), and (o), OAR 811-035-0015(2), (5), (7) and (12) charging fees for unnecessary services, charging a patient for services not rendered, directly or indirectly engaging in threatening, dishonest or misleading fee collection techniques and perpetrating fraud upon patients or third party payors relating to the practice of chiropractic. The board also finds that a doctor/patient relationship existed pursuant to OAR 811-010-0005(4). Writing the letter for Patient 2 is a violation of AOR 811-035-0015(25).

4.

Due to the aforementioned violations, the OBCE proposes the following provisions:

- A. Licensee removes from all advertising, signage or letter head any reference to Functional Endocrinology within the next 30 days.
- B. Licensee's license will be revoked.
- C. Licensee will be fined a total of \$20,000: \$10,000 per case, as noted above, in civil penalties. Civil penalties will be due within three months from the date this order is final. Pursuant to ORS 293.231, the Board will refer the amounts owed to collection if it has received no payment on the account for more than 90 days. Thereafter, the Board will consider assignment to the Oregon Department of Revenue or a private collection agency for collection. Final fees may include additional percentages of any increase in the amount owed due to the accrual of interest on the unpaid principal amount.
- D. Failure to abide by the terms as stated above, could result in further discipline, up to and including revocation.

5.

Licensee shall pay costs of this disciplinary proceeding, including investigative costs and attorney fees pursuant to ORS 684.100(9)(g).

NOTICE OF HEARING RIGHTS

6.

Licensee has the right, if Licensee requests, to have a formal contested case hearing before the OBCE or the Administrative Law Judge to contest the matter set out above. At the hearing, Licensee may be represented by an attorney and subpoena and cross-examine witnesses. That request for hearing must be made in writing to the OBCE, must be received by the OBCE within 30

days from the mailing of this notice (or if not mailed, the date of personal service), and must be accompanied by a written answer to the charges contained in this notice.

7.

The answer shall be made in writing to the OBCE and shall include an admission or denial of each factual matter alleged in this notice, and a short plain statement of each relevant affirmative defense Licensee may have. Except for good cause, factual matters alleged in this notice and not denied in the answer will be considered a waiver of such defense; new matters alleged in this answer (affirmative defenses) shall be presumed to be denied by the agency and evidence shall not be taken on any issue not raised in the notice and answer.

8.

If Licensee requests a hearing, before commencement of that hearing, Licensee will be given information on the procedures, rights of representation and other rights of the parties relating to the conduct of the hearing as required under ORS 183.413-415.

9.

If Licensee fails to request a hearing within 30 days, or fails to appear as scheduled at the hearing, the OBCE may issue a final order by default and impose the above sanctions against Licensee. Upon default order of the Board or failure to appear, the contents of the Board's file regarding the subject of this automatically become part of the evidentiary record of this disciplinary action upon default for the purpose of proving a prima facie case.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS:

10.

Active duty service members have a right to stay these proceedings under the federal Service members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

DATED this 3rd day of October, 2016.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signature are on file in OBCE office.

By:


Cassandra C. Skinner J.D., Executive Director

VERIFICATION

State of Oregon)
County of Marion) Case # 2015-3018, 2016-3007

I, Cassandra C. Skinner, being first duly sworn, state that I am the Executive Director of the Board of Chiropractic Examiners of the State of Oregon, and as such, am authorized to verify pleadings in this case: and that the foregoing Notice is true to the best of my knowledge as I verily believe.

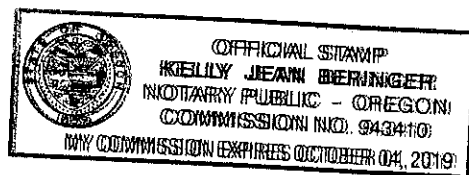
Original signature are on file in OBCE office.

Cassandra C. Skinner, J.D., EXECUTIVE DIRECTOR
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me
this 3rd day of October, 2016.

Original signature are on file in OBCE office.

NOTARY PUBLIC FOR OREGON
My Commission Expires: 10/04/2019



CERTIFICATE OF SERVICE

I, Cassandra C. Skinner, certify that on October 3, 2016, I served the foregoing Proposed Notice of Disciplinary Action upon Kim Christensen, DC, the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Kim Christensen, DC
6408 NW 184th St
Ridgefield, WA 98642

Original signature are on file in OBCE office.

Cassandra C. Skinner, J.D.
Executive Director
Oregon Board of Chiropractic Examiners