

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)

Nicholas T. Crane, D.C.)
License No.: 2910)

Respondent.)

STIPULATED FINAL ORDER

Case # 2002-5011

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. Nicholas T. Crane, D.C. (hereafter "Respondent"), was a licensed chiropractic physician in Oregon when the Notice of Discipline in this matter was issued. Dr. Crane currently has a lapsed license and is no longer licensed with the Board.

Summary of Facts

1.

Prior to May 2002, Respondent engaged in activity involving video recording and/or photographing without the consent of certain patients in his chiropractic office located in Klamath Falls, Oregon. Respondent subsequently pled guilty to Invasion of Privacy, a Class A Misdemeanor in Klamath County resulting in a 36 month probation and other conditions. Respondent also pled guilty to one count of invasion of personal privacy, and was given a suspended sentence and five year probation in Jackson County.

2.

Respondent voluntarily agreed to an Interim Stipulated Order on February 11, 2003 agreeing to withdraw from active practice on March 11, 2003, for the period during the investigation and resolution of the matters mentioned above, and his license status would be changed to inactive during that time period. The Amended Notice of Discipline was issued on July 23, 2004. At the time this matter was originally noticed for discipline, Respondent had a current license. However, Respondent has since allowed his license to lapse as of September 1, 2003. Respondent has failed to reactivate his license within the time required by statute, by July 31, 2004. Thus, Respondent's license has permanently expired. However, the OBCE has continuing jurisdiction. The Amended Notice of Discipline is incorporated by reference.

Conclusions of Law

3.

The Board finds that the acts and conduct of licensee described above constitutes unprofessional conduct and are in violation of ORS 684.100(1)(g)(A) and OAR 811-035-0015(1)(a) and (11).

4.

Stipulations

NOW THEREFORE the Board and the Respondent stipulate and agree that this disciplinary action may be concluded by entry of this Stipulated Final Order upon the following terms:

1. Pursuant to ORS 183.415(5) the Board and Respondent agree to informally dispose of and settle this matter.
2. Respondent stipulates that he has been advised of his right to request a hearing in this matter pursuant to ORS 183.415(2)(a), and to be represented at hearing pursuant to ORS 183.315(3).
3. Respondent waives his right to a hearing in this matter.
4. Respondent agrees to surrender his license or any right to his license in the State of Oregon, effective upon final signature of this order.
5. Respondent further agrees to never reapply for licensure with the Board in the State of Oregon.
6. The stipulated Final Order memorializes the entire agreement between Respondent and the Board and supercedes all prior offers, negotiations or settlement discussions. Respondent agrees to indemnify the Board and hold them harmless for any and all claims, issues, and causes of action he may have in regards to this matter or any issues relating to this discipline matter.

I have read and fully understand all of the above facts and agree to the above terms.

IT IS SO ORDERED effective later date below.

Original signature on file
at the OBCE office.

Nicholas Crane, D.C., Respondent

Date: 2/24/05

Original signature on file
at the OBCE office.

Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

Date: 2/28/05

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	FIRST AMENDED PROPOSED
Nicholas T. Crane, D.C.)	NOTICE OF DISCIPLINE
License No.: 2910)	
)	
Licensee.)	Case # 2002-5011
_____)	

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. Nicholas T. Crane, D.C. (hereafter "Licensee"), was a licensed chiropractic physician in Oregon when the Notice of Discipline in this matter was issued. Dr. Crane currently has a lapsed license and is no longer licensed with the Board. The Board proposes to revoke the License based on the following:

1.

From October 2001 to May 2002, Licensee engaged in activity involving video recording and/or photographing without the consent, patients in his chiropractic office located in Klamath Falls, Oregon. The patients were video recorded and/or photographed in various states of undress including nudity without their knowledge or consent and were in a location where the patient would reasonably anticipate to have personal privacy.

2.

The Board received a police report and Information from the District Attorney in Klamath Falls, and subsequently opened an investigation in response to this information. Licensee was arrested, charged and has pled guilty to Invasion of Privacy, a Class A Misdemeanors in Klamath County in case number 02-3139CR. As part of that guilty plea Licensee is on probation for 36 months, has to submit to polygraph examinations, submit to and

be evaluated by an approved sex offender program and if eligible enter and participate in and successfully complete the treatment directed by the probation officer, submit to plethysmograph, is prohibited from working or volunteering at any school, playground or where persons under 18 years of age are located, and has to complete 100 hours of public service. In addition, Licensee was charged with a Class C Felony for tampering with a witness in the case number 02-3139CR however, that charge was dismissed.

3.

The allegations include inappropriate and unethical conduct toward patients and violating the rights of privacy and/or confidentiality of the patients without their consent. The above conduct are violations of ORS 684.100(1)(g)(A) and, OAR 811-035-0015 (1)(a) and (11).

4.

The Board received a police report and Information from the District Attorney in Jackson County (Ashland, Oregon) that Licensee was arrested, charged and pled guilty to one count of invasion of personal privacy which resulted in submitting to sex offender evaluation and participation in and successful completion of sex offender treatment as required by the probation officer, a suspended sentence for five years and being placed on probation for that time period under Jackson County Community Justice, to serve two days in jail and a \$500 money judgment. That guilty plea is for Invasion of Privacy, a Class A Misdemeanor in Jackson County. They involve invasion of personal privacy of a minor and are violations of ORS 684.100(1)(g)(A) and, OAR 811-035-0015 (1)(a) and (11).

5.

After the Notice of Discipline was issued but before the criminal proceedings in Klamath and Jackson counties were completed, Licensee voluntarily entered an Interim Stipulated Order on January 21, 2003, and a second amended Interim Stipulated Order on February 11, 2003. The second amended order provided that Licensee agreed to withdraw from active practice on

March 11, 2003, for the period during the investigation and resolution of the criminal matters mentioned above and his license status would be changed to inactive during that time period. Licensee also agreed to not have any recording devices prior to his leaving active practice. The order provided a 30 day interim period where Licensee had a licensed chiropractor present at all times when he was in contact with Patients, that time period was to allow Licensee to sell his practice.

6.

At the time this matter was originally noticed for discipline, Licensee had a current license. However, Licensee has since allowed his license to lapse as of September 1, 2003. Licensee has failed to reactivate his license within the time required by statute, by July 31, 2004. Thus, Licensee's license has permanently expired. If Licensee were to attempt to reapply or reactive his license in any fashion, this discipline matter will be reviewed and the Board is not prevented from considering the entire file of this disciplinary case as well as any new evidence it wishes to consider in that application decision.

7.

The Board finds that the acts and conduct of licensee described above constitutes unprofessional conduct. Licensee's ability to practice, as described above, constitutes a clear and present danger to the health or safety of his patients. The above acts are in violation of ORS 684.100(1)(g)(A) and OAR 811-035-0015(1)(a) and (11).

8.

The board has received a detailed police report and guilty pleas from the Klamath Falls Police Department for Invasion of Privacy of a Patient. The Board has also received police reports and guilty pleas for Misdemeanors from the Jackson County District Attorney of an additional count of Invasion of Privacy. The trusted relationship of a chiropractor to his patient is important in health care decisions. The patient has a right to expect reasonable safety in the

health care environment which includes all of their information being kept confidential concerning their care. Confidentiality forms the basis for the patient-doctor communications that are privileged and confidential. The Licensee is responsible for observing professional and legal requirements of confidentiality as well as ensuring the requirements are met by their office.

In view of the nature of the alleged misconduct and ongoing criminal issues, there is a high probability of serious risk to the public including continual confidentiality breaches and potential harm of patients if the Licensee is to continue to practice. The board has grave concerns that the Licensee is a serious risk to the public. The nature of the complaints place great risk of potential harm to individual patients.

9.

Due to the aforementioned violations, the OBCE amends the early notice of discipline for suspension and proposes to revoke Licensee's license due to the aforementioned violations.

10.

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

11.

Licensee has the right, if Licensee requests, to have a formal contested case hearing before the OBCE or its hearings officer 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.

12.

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.

13.

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.

14.

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.

IT IS SO ORDERED this 23rd of July, 2004.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director

State of Oregon)
County of Marion) Case # 2002-5011

I, Dave McTeague, 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.

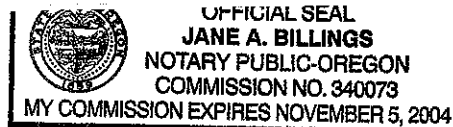
Original signature on file
at the OBCE office.

DAVE McTEAGUE, EXECUTIVE DIRECTOR
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me
this 23 day of July, 2004.

NOTARY PUBLIC FOR OREGON
My Commission Expires: 11-5-04

Original signature on file
at the OBCE office.



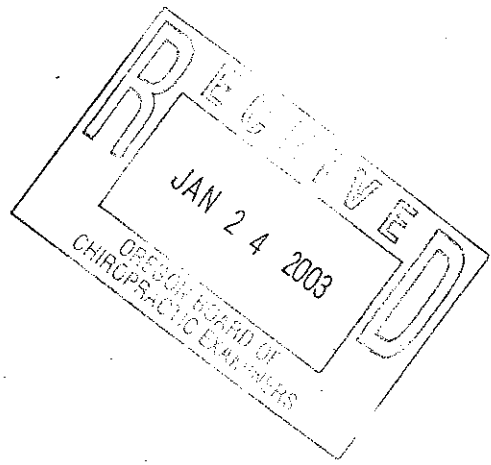
CERTIFICATE OF SERVICE

I, Dave McTeague, certify that on July 23, 2004 I served the foregoing 1st Amended Notice of Proposed Discipline upon Nicholas Crane, D.C., the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Nicholas Crane
432 Walnut
Klamath Falls, Oregon 97601

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners



BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of

Case # 2002-5011

NICHOLAS T. CRANE, D.C.,
License No.: 2910

TEMPORARY STIPULATED ORDER

The Oregon Board of Chiropractic Examiners (hereafter "Board") is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Nicholas Crane, D.C. (hereafter "Licensee"), is currently licensed by the Board to practice as a chiropractic physician in Oregon and is subject to the jurisdiction of the OBCE.

1.

It is alleged from October 2001 to May 2002, Licensee engaged in activity involving video recording and/or photographing without the consent, patients in his chiropractic office located in Klamath Falls, Oregon. The patients were video recorded and/or photographed in various states of undress including nudity without their knowledge or consent and were in a location where the patient would reasonably anticipate to have personal privacy.

2.

The allegations include inappropriate and unethical conduct toward patients and violating the rights of privacy and/or confidentiality of the patients without their consent. If proven, these would be violations of ORS 684.100(1)(g)(A) and, OAR 811-035-0015 (1)(a) and (11). The Board received a police report and Information from the District Attorney in Klamath Falls, and subsequently opened an investigation in response to this information. Licensee was recently

1 arrested, charged and is currently accused of four Class A Misdemeanors in Klamath County in
2 case number 02-3139CR.

3 3.

4 In order to address the Board's concerns, Licensee and the Board agree to the entry of this
5 Temporary Stipulated Order, which provides that Licensee shall comply with the following
6 conditions:

7 1) Licensee is attempting to sell his practice and would like to transition into that sale for a
8 period of four weeks. The period of four weeks shall begin January 13, 2003 and will
9 end February 7, 2003.

10 2) During the four week period, Licensee agrees when he examines, treats or otherwise has
11 contact with any female patient, he will provide chaperone service to each patient. The
12 chaperone arrangement shall be entered in the treatment chart in each patient chart.
13 Licensee agrees that the board may make contact with the chaperone to determine
14 compliance with this order prior to or during that time period. Licensee agrees that he
15 will not take retribution on the chaperone for performing the chaperone service.
16 Licensee shall provide a copy of this order to the chaperone.

17 3) Licensee agrees during that period that he will not have any recording devices present in
18 the exam rooms with any patients.

19 4) After sale of the practice, Licensee agrees to sign the Interim Stipulated Agreement
20 which will result in a voluntarily withdraw from the practice during the investigation
21 and resolution of the criminal matters in Klamath and Jackson counties.

22 4.

23 This order is issued by the Board pursuant to ORS 684.100 (6), (7) and (8). For the purpose
24 of making a complete investigation in order to fully inform itself with respect to the performance
25 and/or conduct of the Licensee and the Licensee's ability to practice without serious risk of public
26 safely and competently practice chiropractic Pursuant to ORS 676.175. Board investigative

Page 2 of 5 - Temporary Stipulated Order
(Nicholas Crane DC)

Department of Justice
1162 Court Street NE
Salem, OR 97310
(503) 378-6003

1 materials are confidential and shall not be subject to public disclosure, nor shall they be admissible
2 as evidence in any judicial proceeding.

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8 This order, however, is a public document.

9 IT IS SO ORDERED this 21 day of January, 2003.

10

BOARD OF CHIROPRACTIC EXAMINERS

State of Oregon

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Original signature on file
at the OBCE office.

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By:

Dave McTeague, Executive Director

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Original signature on file
at the OBCE office.

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By:

Dr. Nicholas Crane

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Page 3 of 5 - Temporary Stipulated Order
(Nicholas Crane DC)

Department of Justice
1162 Court Street NE
Salem, OR 97310
(503) 378-6003

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
Nicholas T. Crane, D.C.)	NOTICE OF PROPOSED
License No.: 2910)	DISCIPLINARY ACTION
)	
Licensee.)	Case # 2002-5011
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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. Nicholas T. Crane, D.C. (hereafter "Licensee"), is a licensed chiropractic physician in Oregon. The Board proposes to discipline Licensee for the following reasons:

1.

From October 2001 to May 2002, Licensee engaged in activity involving video recording and/or photographing without the consent, patients in his chiropractic office located in Klamath Falls, Oregon. The patients were video recorded and/or photographed in various states of undress including nudity without their knowledge or consent and were in a location where the patient would reasonably anticipate to have personal privacy.

2.

The Board received a police report and Information from the District Attorney in Klamath Falls, and subsequently opened an investigation in response to this information. Licensee was recently arrested, charged and is currently accused of four Class A Misdemeanors in Klamath County in case number 02-3139CR. In addition, Licensee has been indicted with a Class C Felony for tampering with a witness in the case number 02-3139CR.

3.

The allegations include inappropriate and unethical conduct toward patients and violating the rights of privacy and/or confidentiality of the patients without their consent. If proven, these would be violations of ORS 684.100(1)(g)(A) and, OAR 811-035-0015 (1)(a) and (11).

4.

The Board received a police report and Information from the District Attorney in Jackson County (Ashland, Oregon) that Licensee was recently arrested, charged and is currently accused of two Class A Misdemeanors in Jackson County in case number 02-5805-MI. They involve invasion of personal privacy of a minor and if proven, these would be violations of ORS 684.100(1)(g)(A) and, OAR 811-035-0015 (1)(a) and (11).

5.

At a December 2002 board meeting, the OBCE determined that there was serious risk of further public harm if the Licensee were allowed to continue to treat patients.

6.

The Board finds that the acts and conduct of licensee described above constitutes grounds for suspension and is unprofessional conduct. Licensee's practice, as described above, constitutes a clear and present danger to the health or safety of his patients and warrants a suspension for 6 months from the practice of chiropractic. The above acts are in violation of ORS 684.100(1)(g)(A) and OAR 811-035-0015(1)(a) and (11).

7.

The board has received a detailed police report from the Klamath Falls Police Department and an Information filed against the Licensee for four counts of Invasion of Privacy of a Patient. The Board has also received information from the Jackson County District Attorney that there are additional counts involving a minor for Invasion of Privacy. The trusted

relationship of a chiropractor to his patient is important in health care decisions. The patient has a right to expect reasonable safety in the health care environment which includes all of their information being kept confidential concerning their care. Confidentiality forms the basis for the patient-doctor communications that are privileged and confidential. The Licensee is responsible for observing professional and legal requirements of confidentiality as well as ensuring the requirements are met by their office.

In view of the nature of the alleged misconduct and ongoing criminal issues, there is a high probability of serious risk to the public including continual confidentiality breaches and potential harm of patients if the Licensee is to continue to practice. The board has grave concerns that the Licensee is a serious risk to the public. The nature of the complaints place great risk of potential harm to individual patients.

8.

Due to the aforementioned violations, the OBCE proposes to indefinitely suspend Licensee's license due to the aforementioned violations.

9.

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

10.

Licensee has the right, if Licensee requests, to have a formal contested case hearing before the OBCE or its hearings officer 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.

11.

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.

12.

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.

13.

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.

IT IS SO ORDERED this 30th of December, 2002.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By: _____
Original signature on file
at the OBCE office.

Dave McTeague
Executive Director

State of Oregon)
County of Marion) Case # 2002-5011

I, Dave McTeague, 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 on file
at the OBCE office.

DAVE McTEAGUE, EXECUTIVE DIRECTOR
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me
this 30 day of December, 2002.



NOTARY PUBLIC FOR OREGON
My Commission Expires: 12-2-06

Original signature on file
at the OBCE office.

CERTIFICATE OF SERVICE

I, Dave McTeague, certify that on December 30, 2002, I served the foregoing Notice of Disciplinary Action upon Nicholas Crane, D.C., the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Nicholas T. Crane DC
432 Walnut
Klamath Falls, Oregon 97601

Mike Ratliff
Attorney at Law
Ratliff and Whitney-Smith
905 South Main Street Suite 200
Klamath Falls OR 97601

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners