1	BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS		
2	STAT	TE OF OREGON	
3	In the Matter of) Case No. 2014-1030	
4	Werner George Karl Von Marksfeld- Fuhrherr,) STIPULATED FINAL ORDER	
5		(Civil Penalty)	
6	Respondent.)	
7	· .		
8	The Board of Chiropractic Examine	ers (Board) is the state agency responsible for	
9	licensing, regulating and disciplining chirop	ppractic physicians in the State of Oregon. Werner	
10	George Karl Von Marksfeld-Fuhrherr (Resp	spondent) is not licensed by the Board to practice as a	
11	chiropractic physician in the State of Orego	on.	
12	FINDINGS OF FACT		
13		1.	
14	In October 2014, the Board received a complaint raising concerns that Respondent was		
15	taking advantage of ill people by offering solutions to specific medical conditions, potentially		
16	represented that he was a chiropractor licensed in Oregon and met with patients in an Oregon		
. 17	office, providing some degree of medical examination and charged fees.		
18	Potential patients would attend a seminar in Tigard, Oregon, where they were given		
19	materials from Respondent that said he was a chiropractic physician. Respondent is a licensed		
20	chiropractor in the State of Washington, but does not hold a chiropractic license to practice in the		
21	State of Oregon.	- -	
22 [.]	The care for a particular patient, after attending the seminar, began with various tests that		
23	were performed at a cost of \$397 to the patient. Upon receipt of care, Respondent was present		
24	with an assistant and the assistant performed visual exams and blood pressure tests. A list of		
25	required lab work was given to the patient by the facility for future appointments to review. The		
26	patient then continued with her appointments where she was with the assistant only, and not		
Respondent. She was given nutritional supplements, provided a diet book, and was told how to Page 1 - STIPULATED FINAL ORDER (Werner George Karl Von Marksfeld-Fuhrherr) DM: 6964256			

order specific food from a multi-level marketing company. The patient complained to
 Respondent and received a refund of \$4,283.14 for the money she had paid.

3 In December 2014, the investigator for the Board went to the Tigard offices called NW 4 Health and asked for an appointment. The investigator was told he would have to attend a 5 seminar. In March 2015, the investigator went to the Portland Thyroid and Weight Loss Seminar 6 at the Courtyard Hotel in Tigard, Oregon with the purpose of attending Respondent's seminar. 7 The handouts provided were from Respondent and said that he was "Dr. Werner Marksfeld D.C., D.Psc., Driven Teacher, Nutritional Counselor, Chiropractor and coach." The majority of the 8 9 handout was entitled "Could your thyroid by why you're not feeling well?" and was authored by 10 Dr. Daniel Pompa.

The Investigator also found another business operated and advertised under the website
www.thyroidportland.com.

13 Respondent began the seminar, noting that he had been practicing for 17 years. 14 Respondent asked open ended questions about audience participants' health, asked who suffered 15 from certain conditions such as Sheehan's syndrome, various thyroid issues, autoimmune 16 diseases, and what symptoms the audience had. He intimated that results of symptoms were 17 results of hypo-thyroid or Hashimoto's syndrome, to which the answer was addressing 18 inflammation at the cellular level. The majority of the audience appeared to be over age 60. Over 19 the course of the two hours, it was discussed how "leaky gut syndrome" and how proper diet. 20 nutrition and supplements could correct these symptoms. Respondent related cellular · 21 inflammation as the cause for other disease processes as well. NW Health Centers would provide 22 a range of testing for aggravating factors for the underlying cellular inflammation that was the 23 cause of the various conditions. Things to be tested for included toxins, PVE's, pesticides, heavy 24 metals, BPA, and Halogens. Respondent encouraged people to sign up for his service, noting that 25 if people do nothing, their conditions would not improve.

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Page 2 - STIPULATED FINAL ORDER (Werner George Karl Von Marksfeld-Fuhrherr) DM: 6964256 In a Board interview, Respondent confirmed that he had an Oregon office located in Lake Oswego. He claimed he was performing nutritional counseling. Respondent would not confirm or deny the need for the tests and those being related to medical purposes or discuss the role of the tests in nutritional counseling when asked why someone who is not practicing chiropractic would order a lab test at all.

6 When asked about his printed materials where he claims to be a chiropractor, Respondent
7 said those were a mistake.

 $\mathbf{2}$. 8 9 Respondent is not a licensed Chiropractor in the State of Oregon. Respondent holds no other health regulatory licenses or certificates in the State of Oregon. Respondent is performing 10 11 and ordering tests that are part of the scope of chiropractic and are taught in chiropractic schools. Respondent is risking causing harm to the patients that he has provided this treatment to. 12 13 CONCLUSIONS OF LAW The Board finds that if this matter were to proceed to hearing, the conduct described 14 above is a violation of ORS 684.015(1)(a), 684.020(1), ORS 684.100(1)(f)(A), (j) and (q), OAR 15 811-035-0015(6), (12), and (14) that Respondent practiced chiropractic without a license and 16 17 engaged in unprofessional conduct. The Board finds that the Respondent's conduct exposed the 18 citizens of Oregon to great harm. Therefore, pursuant to ORS 183.415(5) and ORS 684.100(9)(e) the OBCE orders: 19 20 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 21 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 22 above matter without further proceedings. 23 2. Respondent agrees that he will no longer provide any seminars in the State of Oregon. 24 3. Respondent agrees that if he begins to provide any seminars in the future, he 25 cannot refer to himself as a doctor in the State of Oregon, during lectures or in any forms of advertisement. He may state he has been trained as a chiropractor 26 and that he holds a license in Washington but must also state he has no license in

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1	the State of Oregon from any health licensing Board and, therefore, cannot make any medical recommendations or diagnoses.	
2	4. Respondent also agrees that he will have a disclaimer for both lectures and all	
3	advertising, that he is only offering life style change suggestions and is not recommending his program or any other for the treatment of any medical	
4	conditions that may be discussed.	
5	5. If Respondent begins to engage in seminars again, he agrees to have a cool down period in any written agreements, which provide that a prospective client cannot sign up for a 48 hour period to take advantage of any discounts and allow	
6	the client to review their options and talk with family and/or other advisors. Respondent also agrees he will have a well-defined written refund policy that is	
7	provided to all clients.	
8	6. Respondent agrees to pay a fine of \$3,000 within 30 days this agreement becomes final.	
9		
10	7. If Respondent violates any of the terms of this order, the Board may consider further discipline.	
11	8. This order is effective on the date signed by the Board and is a public record.	
12	Dated this 6th day of April, 2016.	
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14	BOARD OF CHIROPRACTIC EXAMINERS State of Oregon	
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17	By: Cassandra C. Skinner J.D., Executive Director	
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19	Original signatures are on file in OBCE office.	
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21	By: Werner George Karl Von Marksfeld-Fuhrherr	
22	Date: 4/1/2016	
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