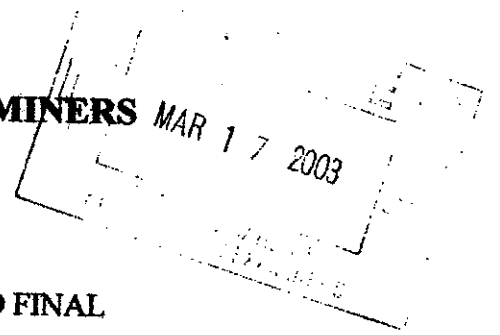


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**BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON**



6 In the Matter of)
7)
8 James Olshove, D.C. License #2764) STIPULATED FINAL
9) ORDER
10)
11)
12 Licensee.) Case # 2003-1002
13

15 The Board of Chiropractic Examiners (Board) is the state agency responsible for
16 licensing, regulating and disciplining chiropractic physicians in the State of Oregon. James
17 Olshove, D.C. (Licensee), is licensed by the Board to practice as a chiropractic physician in the
18 State of Oregon. The Board proposes to resolve this matter with Licensee pursuant to ORS
19 684.100(9) based on the following.

20 **FINDINGS OF FACT**

21 1.

22 The Oregon Board of Chiropractic Examiners received information and performed an
23 investigation that Licensee was performing a technique he referred to as "dry needling" on
24 patients in his chiropractic clinic. This involved inserting a dry needle directly into the skin of
25 patients. Licensee is not a licensed acupuncturist in the State of Oregon and has no formal
26 training in acupuncture.
27

28 2.

29 Between January 2002 and September 2002, Licensee performed the "dry needling" on patients,
30 LM, RL, RY and KB. Their treatment was witnessed by staff in the clinic. The treatment
31 consisted of inserting dry needles into areas of the skin located on parts of the body such as the
32 neck, shoulder and scapula.
33

34 3.

35 During the investigation, Licensee admitted that he performed this technique called "dry
36 needling" as an experimental treatment on four of his "friends." He stated he felt the risk to his
37 friends was "very low" and he did not charge or chart the occurrence in the patient records.
38 In addition, during the course of the investigation, the Board received a decision from the
39 Employment Appeals Board dated January 7, 2003, with testimony from the Licensee stating
40 that he was not a licensed acupuncturist nor did he have any appropriate training in that field.
41 Licensee further stated "it was experimental, it was not part of their chiropractic treatment."
42 Licensee stated that he was performing 'dry needling' in trigger point areas. Licensee further
43 stated that the dry needling, in his belief, was arguably permissible in the setting of being

1 experimental and performed on his "friends." That testimony at hearing indicates in the
2 Licensee's own words that he was performing "dry needling" on his friends. Licensee also
3 admitted in his response to the board that he did not chart the "dry needling" nor did he charge
4 them for the service.
5

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7 4.

8 The definition of acupuncture is to promote and treat neurological, organic or functional
9 disorders by the stimulation of specific points on the surface of the body by the insertion of
10 needles. (ORS 677.757, emphasis added) The definition of Chiropractic Treatment is: a system
11 of adjusting with the hands the articulations of the bony framework of the human body, and the
12 employment and practice of physiotherapy, electrotherapy, hydrotherapy and minor surgery
13 (ORS 684.010) while ORS 684.035 states "nothing in this chapter shall be construed to interfere
14 with any other method of science of healing in this state."
15

16 CONCLUSIONS OF LAW

17 5.

18 The Board finds that the above conduct is contrary to recognized standards within the practice of
19 Chiropractic in Oregon. This is in violation of ORS 684.010 (2)(a)(b) and OAR 811-035-
20 0015(4), OAR 811-015-0005(1), ORS 684.035 and ORS 684.100(1)(g)(B). In not providing the
21 treatment information in the recorded charts of the patients, Licensee violated OAR 811-015-
22 0005(1).
23

24 6.

25 Stipulations

26 NOW THEREFORE, the Board and the Licensee stipulate and agree that this disciplinary
27 action may be concluded by entry of this Stipulated Final Order upon the following terms:
28

- 29 1. Pursuant to ORS 183.415(5) the Board and Licensee agree to informally dispose of and settle
30 this matter.
- 31 2. Licensee stipulates that he has been advised of his right to request a hearing in this matter
32 pursuant to ORS 183.415(2)(a), and to be represented at hearing pursuant to ORS 183.415(3).
- 33 3. Licensee waives his right to a hearing in this matter.
- 34 4. Licensee admits to his inappropriate treatment in the "dry needling" of patients and that it is a
35 violation of the OBCE statutes and rules
- 36 5. Licensee agrees to be on probation for a two year period after the signature of this final order.
- 37 6. Licensee will pay a civil penalty in the sum of \$250.
- 38 7. The Stipulated Final Order memorializes the entire agreement between Licensee and the
39 Board and supercedes all prior offers, negotiations or settlement discussions.
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43 I have read and I fully understand all of the above facts and agree to the above terms:

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IT IS SO ORDERED this 12th of March 2003.

**BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon**

By:

Original signature on file
at the OBCE office.

**Dave McTeague
Executive Director**

By:

Original signature on file
at the OBCE office.

**James Olshove D.C.
Licensee**