

1 March 12, 1996, to "Janet & Journal" Licensee wrote, "Hi! In case you forget today I decided to
2 write it down so you will always remember. Today was "the day" that we made love and our
3 souls united ***."

4 4.

5 Licensee stopped treating Patient J.M. on or about June 4, 1996.

6 5.

7 The romantic relationship between Licensee and Patient J.M. concluded on or around
8 October 1996.

9 6.

10 Between September 1994 and September 1995, prior to his relationship with Patient J.M.,
11 licensee engaged in a sexual relationship with H.H. (Staff Member H.H.), a female staff member.
12 Licensee provided chiropractic treatment services to Staff Member H.H. both prior and
13 subsequent to becoming involved in a sexual relationship.

4 7.

15 On July 20, 1998, A.M.M. (Staff Member A.M.M.), a licensed physician, was hired by
16 Spine and Rehabilitation Centers of America, Inc. to provide services at several of its Oregon
17 clinics, including the Woodbin Clinic formerly owned by Licensee and at which Licensee
18 remained employed as clinical director. During the month of August 1998, Licensee provided
19 chiropractic services to Staff Member A.M.M. on one-four occasions. Beginning in September
20 1998, Licensee engaged in a sexual and intimate relationship with Staff Member A.M.M. This
21 relationship lasted approximately two months. Licensee admits providing treatment to Staff
22 Member A.M.M. and admits to having a sexual relationship with Staff Member A.M.M.
23 Licensee admits that his relationship began after the date on which he provided chiropractic
24 treatment to Staff Members A.M.M.

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Licensee admits that the conduct described above regarding Licensee's romantic involvement with Patient J.M. violates ORS 684.100(1)(g)(A), unprofessional or dishonorable conduct, conduct contrary to recognized standard of ethics of the chiropractic profession, and, as defined in OAR 811-035-0015(1), conduct or verbal behavior that may be reasonably interpreted by the patient as sexual.

9.

Licensee admits that the conduct described above regarding Licensee's sexual relationship with Staff Member H.H. violates ORS 684.100(1)(g)(A), unprofessional or dishonorable conduct, conduct contrary to recognized standard of ethics of the chiropractic profession.

10.

Licensee admits that the conduct described above regarding Licensee's sexual relationship with Staff Member A.M.M. violates ORS 684.100(1)(g)(A), unprofessional or dishonorable conduct, conduct contrary to recognized standard of ethics of the chiropractic profession, and, as defined in OAR 811-035-0015(1), conduct or verbal behavior that may be reasonably interpreted by the patient as sexual.

11.

Based upon the evidence recited above, the OBCE finds by a preponderance of the evidence that the allegations contained in the Proposed Notice are true and constitute a violation of ORS 684.100(1)(g)(A) and OAR 811-035-0015(1), by engaging in inappropriate sexual contact with patients. These actions represent a pattern of conduct which is unprofessional in that it does or might constitute a danger to a patient or the public.

1 II.

2 DISCIPLINARY ACTION

3 In light of the above, and pursuant to ORS 183.415(5), the OBCE revokes Licensee's
4 license due to the above-described violations. For the reasons that follow, the OBCE stays the
5 revocation provided Licensee fully and completely complies with the conditions of probation and
6 the permanent limitation on license:

7 a). Licensee submitted to a psychological evaluation by Blake Fisher-Davidson, PhD to
8 determine whether Dr. Owen presents a threat to his patient or public safety; where he might fall
9 on a continuum of sexual offending behavior according to the classification system developed by
10 Gary R. Schoener, as reported in the February 25, 1995 issue of Psychiatric Annals;(Vol. 25, No.
11 2); and what would be his prognosis for rehabilitation.

12 b). The psychological evaluation reports: "Licensee's responses to the Millon Clinical
13 Multiaxial Inventory-II (MCMI-II) " indicate he was quite guarded and made attempts to present
4 a socially acceptable front. This most probably reflects his intense resistance to admitting
15 personal shortcomings or being appraised unfavorable by others... His responses indicate that
16 he is experiencing a moderately severe mental disorder... I do believe he continues to suffer
17 from some dysthymic disorder based on collateral information and information gleaned from the
18 MCMI-II..."

19 "The results of the MCMI-II indicate that Dr. Owen is characterized by his submissive
20 dependency, need for attention, nurturance and security, that result in his deferring major
21 decisions to others to avoid conflict..." " While Dr. Owen does acknowledge engaging in
22 inappropriate sexual behaviors, he tends to minimize his culpability and rationalize it by putting
23 the blame on the other person or circumstances beyond his control (ie. Misguided search for
24 "intimacy")... the main finding from the MSI-II is that while Dr. Owen admits to sexually
25 inappropriate behaviors, he minimizes his culpability by focusing responsibility either on others
26 or on circumstances beyond his control."

1 c.) Dr. Fisher-Davidson concludes: " Given all of the above, I do have some concerns about
2 Dr. Owen's ability to treat patients safely. While I believe that he will certainly maintain his
3 boundaries in the short run, due with ongoing issues regarding licensing, there does need to be
4 some safety steps in place, such as having another staff member in the room when he is treating
5 female patients. Should Dr. Owen follow through with treatment and safety recommendations, I
6 believe that at some point at the recommendation of his treating therapist, he could return to full
7 practice."

8 Licensee's license to practice chiropractic is suspended for six-months, consecutively,
9 beginning the effective date of the Stipulated Final Order.

10 **III.**

11 **CONDITIONS OF PROBATION**

12 Following the conclusion of the suspension, Licensee is placed on probation for a
13 minimum of five years, at which time the OBCE may extend the probation in one or two year
14 increments without further hearing or notice, if it believes it is warranted or indicated after
15 reviewing the recommendations of the treating psychologist or psychiatrist. Conditions of the
16 probation are as follows:

17 a.) Licensee must enter into treatment with Ed Vien, PsyD, or another psychologist
18 or psychiatrist specializing in the treatment of sexual offenders, approved by the OBCE. All
19 therapy and reporting will be at the sole cost of the Licensee.

20 b.) Licensee shall cause the treating psychologist or psychiatrist to submit quarterly
21 reports to the OBCE regarding Licensee's progress. Such reports shall be submitted prior to the
22 15th day of the months of January, April, July and October of each year, for as long as the
23 Licensee remains in treatment. Licensee waives any privilege and consents to allow contact
24 between the treating psychologist or psychiatrist and the OBCE for purposes of verifying
25 compliance with the terms and conditions of this proposed order.

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IV.

PERMANENT LIMITATION ON LICENSE

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1.

Licensee shall not examine any female patient unless a disinterested adult female or an adult female licensed health-care professional is present. Any employee of Licensee, or the adult female licensed health-care professional, who functions in this capacity must have a signed agreement with Licensee, a copy of which must be sent to the OBCE, establishing:

a.) That employee has been provided with a copy of this Stipulated Final Order.

b.) That employee has a clear understanding of the duty to report any known or suspected violations of this order to the OBCE, and that report may be made without informing the Licensee.

c.) An agreement with Licensee stipulating no harm or retribution may be incurred for reporting to the OBCE, and

2.

Licensee agrees to not engage in any conduct or verbal behavior toward any female patient that may be reasonably interpreted by the patient as sexual, sexually suggestive, seductive or demeaning.

3.

The OBCE or its representative is authorized to enter Licensee's business premises for the duration of the probation to examine, review and photocopy Licensee's patient or other records to determine compliance with the terms of this Stipulated Final Order.

4.

The OBCE and Licensee agree that, if at any time within the probationary period Licensee violates the conditions of probation or limitation on his license as determined by the OBCE, the stay of revocation may be terminated and the revocation made effective immediately.

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5.

Licensee is assessed the costs of this proceeding in the amount of \$13,444.05 pursuant to ORS 684.100(9)(g). This does not include billings or costs for July-August, 1999, to be provided within 30 days of August 31, 1999.

6.

Licensee agrees to waive his right to a hearing in this matter pursuant to ORS 183.415(3).

7.

The OBCE and Licensee agree that if the OBCE does a press release regarding this matter, that the OBCE will consult Licensee and allow Licensee to make comments prior to release.

NOTICE: You are entitled to judicial review of this order pursuant to the provisions of ORS 183.480. Judicial review may be obtained by filing a petition in the Oregon Court of Appeals. The petition must be filed within 60 days from the date of service of this order.

Original signature on file
at the OBCE office.

Partick Owen, DC
Licensee

Original signature on file
at the OBCE office.

James Nelson
Attorney for Licensee

Original signature on file
at the OBCE office.

David McTeague
Executive Director of OBCE

September 1, 1999