1 BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS

2 FOR THE STATE OF OREGON

3 In the Matter of	)	FINAL ORDER BY DEFAULT
	)	
4 Ed Pahl, D.C., Licensee	)	File No. 97-1016
	)	
5	)	

6 On or about September 9, 1997, the Board of Chiropractic
7 Examiners (Board or OBCE) served upon the Licensee by certified
8 mail notice that the Board intended to suspend and place
9 restrictions on the chiropractic license of Ed Pahl, D.C.
10 Exhibit A. The Board alleged that Dr. Pahl engaged in conduct
11 that was unprofessional regarding his treatment of Patient M.S.
12 The Board also alleged that Dr. Pahl failed to keep adequate
13 records concerning the treatment of Patient M.S. The Board
14 provided Dr. Pahl an opportunity for a hearing, if requested
15 within 21 days of service of the notice.

16 On September 26, 1997, Dr. Pahl wrote the Board and offered
17 to relinquish his license. Exhibit B. The Board reviewed
18 Dr. Pahl's request at a regularly scheduled Board meeting, and,
19 in a letter dated January 7, 1998, the Board's attorney informed
20 Dr. Pahl of the Board's decision to deny his request. Exhibit C.
21 Also in that letter, the Board extended the time for Dr. Pahl to
22 request a hearing to January 29, 1998. As of February 5, 1998
23 no request for hearing had been received by the Board. As set
24 forth in the Notice, the Board's file on this matter constitutes
25 the *prima facie* record for purposes of default.

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1 Now therefore, after consideration of the records and files
2 of the Board relating to this matter, the Board enters the
3 following Order.

4 FINDINGS OF FACT

5 1. Ed Pahl is a licensed chiropractor in the State of
6 Oregon.

7 2. Dr. Pahl treated M.S. beginning on or about May 1984,
8 through June 1997 for back and leg pain.

9 3. On or about June 27, 1997, while alone with M.S. in the
10 treatment room, Dr. Pahl placed two fingers of his left hand
11 inside M.S.'s vagina and his right thumb inside her anus.
12 Dr. Pahl did not ask permission or provide M.S. with notice prior
13 to engaging in this described conduct.

14 4. Dr. Pahl did not adequately record the patient history,
15 examination and justification for treatment of Patient M.S.

16 ULTIMATE FINDINGS OF FACT

17 1. Dr. Pahl disrespected the rights of his patient as an
18 individual and engaged in unprofessional conduct.

19 2. Dr. Pahl's failure to record the patient's history,
20 examination or justification of treatment constituted substandard
21 chart notes and medical reasoning.

22 CONCLUSIONS OF LAW

23 Licensee's conduct is a violation of ORS 684.100 (1)(g)(A),
24 OAR 811-010-0095 (2)(b), OAR 811-015-0005 (1), and the practice
25 and utilization guidelines for substandard chart notes and
26 medical reasoning.

ORDER

1. The right of Dr. Pahl (Licensee) to practice chiropractic is suspended for one year beginning at 12:01 a.m. February 9, 1998.
2. Upon completion of the suspension another adult must be physically present in the room at all times when Licensee treats female patients.
3. Licensee must provide to the OBCE proof that Licensee is attending therapy sessions and receiving treatment from a licensed psychiatrist or psychologist who specializes in treatment of sex and professional boundary issues and who has been approved by the Board.
4. Licensee must ensure that the therapist provides to the OBCE, at Licensee's expense, a report at six month intervals for the duration of the therapist's treatment of Licensee detailing the diagnosis of Licensee, course of treatment, response to treatment, prognosis and continuing assessment of whether or not Licensee's condition is amenable to treatment.
5. Licensee must continue his treatment with the therapist, at Licensee's expense, for as long as the therapist, in his (her) professional opinion, deems treatment necessary or advisable.
6. The OBCE must approve of the therapist selected by Licensee.

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7. Licensee's probation commencing immediately after the suspension is completed will last a minimum of three years after which the Board may terminate the probation upon a finding by the Licensee's therapist that Licensee is fully recovered with a positive response to treatment, and is not a threat to the public health and safety.

8. All therapy shall be at the sole cost of Licensee.

9. Licensee must consent to the therapist contacting the OBCE, if the therapist believes there is a risk to the public by the continued practice of Licensee as a chiropractic physician.

10. If at any time within the probationary period, the OBCE finds after a contested case hearing that Licensee has engaged in inappropriate contact with patients, or has breached or violated any of the provisions or terms set forth in this Order, Licensee agrees that the incident breach or violation shall constitute a basis for license revocation.

11. If the OBCE finds, after a contested case hearing, that Licensee has violated any of the terms of the suspension or probation, that violation shall constitute grounds for revocation and Licensee's license may be immediately revoked.

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12. Pursuant to ORS 684.100 (9)(g), Dr. Pahl is ordered to pay $ 750 for the costs of this disciplinary proceeding.

DATED this 12 day of February, 1998.

Board of Chiropractic Examiners
State of Oregon

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director

Notice: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.

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