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BEFORE THE  
OREGON BOARD OF CHIROPRACTIC EXAMINERS  
STATE OF OREGON

In the Matter of the License to Practice )  
as a Chiropractic Physician of ) STIPULATED  
Maurice Smith, D.C. ) FINAL ORDER  
\_\_\_\_\_ )

Pursuant to ORS 684.100, the above-entitled matter came before the Oregon Board of chiropractic Examiners (OBCE) on the complaint of female patient

Pursuant to ORS 183.415(5), in order to informally dispose of and settle this matter, Maurice Smith, D.C. (Smith), and the OBCE by and through its Chair, Dr. Gary Zimmerman, make the following statements:

1.

Smith admits and 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 a hearing pursuant to ORS 183.415(3).

2.

Having timely requested a contested case hearing, Smith hereby waives such hearing and enters into this Stipulated Final Order based upon the terms set forth below.

3.

The OBCE and Smith stipulate to the following:

(a) On September 25, 1986, Smith entered into a physician-patient relationship with female patient Smith treated for an occupational injury which caused neck and

1 back pain.

2 (b) Between September 25, 1986 and April 1, 1991,  
3 kept many appointments with Smith at his office. During some of  
4 those office visits, as a part of an ongoing consensual sexual  
5 relationship, Smith fondled her breasts, exposed his genitals  
6 to her and allowed her to perform oral sex upon him.

7 (c) The conduct described above is unprofessional or  
8 dishonorable conduct in that it is inappropriate physical  
9 contact with a patient. It represents a practice which  
10 constitutes a danger to the health and safety of patients and  
11 the public in violation of ORS 684.100(1)(g)(A) in that it  
12 embodies a breach of the ethical duty owed a patient by his or  
13 her doctor to act primarily for the patients' benefit and health.

14 4.

15 The OBCE and Smith stipulate and agree that this  
16 disciplinary action may be concluded by the entry of this  
17 Stipulated Final Order on the following terms:

- 18 (a) Smith is hereby admits that he engaged in  
19 unprofessional conduct with his patient, by  
20 engaging in sexual conduct and contact with her in  
his office.
- 21 (b) Another adult must be physically present in the room  
at all times Smith treats female patients.
- 22 (c) Smith must provide to the OBCE proof that Smith is  
23 attending therapy sessions and receiving treatment  
from Dr. Robert J. Gross, M.D..
- 24 (d) That Dr. Gross provide to the OBCE, at Smith's  
25 expense, a report at six-month intervals for the  
duration of Dr. Gross' treatment of Smith detailing:

26 ///

- 1 i. Dr. Gross' diagnosis of Smith;  
2 ii. Dr. Gross' course of treatment for Smith;  
3 iii. Smith's response to treatment;  
4 iv. Smith's prognosis; and  
5 v. Dr. Gross' continuing assessment of whether or  
6 not Smith's condition is amenable to treatment.

7 (e) Smith agrees to continue his treatment with Dr. Gross  
8 for as long as Dr. Gross, in his professional opinion,  
9 deems necessary or advisable.

10 (f) Smith agrees to unannounced, random chart reviews and  
11 office visits by an OBCE investigator or chiropractic  
12 physician designated by the OBCE.

13 (g) Smith agrees to random interviews of his staff outside  
14 his presence, and, to the extent confidentiality can  
15 be maintained, interview of patients.

16 (h) The agreement between Dr. Smith and the OBCE will last  
17 five years. At any time in those five years, if Dr.  
18 Smith is discharged by Dr. Gross, Dr. Smith may  
19 petition the OBCE for modification of the agreement.

20 (i) All therapy shall be at the sole cost of Smith.

21 (j) Smith consents to Dr. Gross contacting the OBCE, if  
22 Dr. Gross believes there is a risk to the public by  
23 the continued practice of Smith as chiropractic  
24 physician.

25 (k) Smith agrees that this Stipulated Final Order shall  
26 remain in force for five years from April 20, 1993,  
27 and that during such time Smith agrees to engage in no  
28 inappropriate sexual contact with patients. If at any  
29 time within the probationary period, the OBCE proves  
30 after contested case hearing that Smith has engaged in  
31 inappropriate contact with patients, he agrees to the  
32 use of the incident as a basis for license revocation.

33 (l) The OBCE agrees that if, during the probationary  
34 period Smith is discharged from Dr. Gross' care, Smith  
35 may petition the OBCE for modification of this  
36 Stipulated Final Order.

5.

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37 If the OBCE finds, after a contested case hearing, that  
38 Smith has violated any of the terms of this Stipulation, that

1 violation shall constitute grounds for revocation and Smith's  
2 license may be immediately revoked.

3

4 IT IS SO STIPULATED.

5

Original signature on file  
at the OBCE office.

6

DR. MAURICE SMITH, D.C.

Oct. 4, 1993  
DATE

7

Original signature on file  
at the OBCE office.

8

DR. GARY ZIMMERMAN, CHAIR  
OREGON BOARD OF CHIROPRACTIC EXAMINERS

10-21-93  
DATE

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