

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)
)
Trev Wheeler, D.C.) FINAL STIPULATED ORDER
License No.: 2573) Case NO.: 2002-1016
)
)
Licensee.)
_____)

The Oregon Board of Chiropractic Examiners (hereafter "Board" or "OBCE") is the state agency responsible for licensing, regulating and disciplining chiropractic physicians and certified chiropractic assistants in the State of Oregon. Trev Wheeler, D.C. (hereafter "Licensee"), is a licensed chiropractic physician in Oregon. The Board proposes the following:

1.

In May of 2002 while treating a female patient who had been treated for breast cancer, patient alleges Licensee requested the patient to show him her reconstruction of her breasts, asked about the incision and touched her breasts while inquiring as to "how they feel."

Licensee states he requested if the patient were willing to show him her reconstructive surgery to her left breast, and he palpated the scar for examination purposes.

2.

The Board received a police report and Information from the District Attorney in Fruitland, Idaho, and subsequently opened an investigation in response to this information. Licensee was charged in Case No. CR MD 02-11028. The charges were misdemeanors.

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GENERAL COUNSEL
DEPT. OF JUSTICE
SALEM, OREGON

3.

On December 2, 2002, Licensee plead guilty in Fruitland, Idaho, to one count of battery and one count of unlawful practice of acupuncture. (both are misdemeanors) The charge of unlawful practice of chiropractic was dismissed.

CONCLUSIONS OF LAW

The board finds that the acts committed by Licensee and for which he was convicted in Fruitland, Idaho, are also in violation of the Oregon Revised Statutes which apply to Oregon Chiropractors. These acts would violate ethical conduct toward a patient and could reasonably be interpreted as sexual or sexually demeaning, that Licensee failed to get the informed consent of the patient for the procedure prior to touching her breasts, in addition, to being convicted of two misdemeanors involving crimes of moral turpitude. If proven, these would be violations of ORS 684.100(1)(d), (g)(A) and, OAR 811-035-0015 (1)(a) and OAR 811-035-0005(2).

The Board finds that the convictions were based on findings of unprofessional conduct that involved moral turpitude.

Licensee denies that the patient did not provide informed consent prior to examination. Licensee denies that the violations would be crimes involving moral turpitude.

4.

STIPULATIONS

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

1. Pursuant to ORS 183.415(5) the Board and Licensee agree to informally dispose of and settle this matter.

2. Licensee 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 hearing pursuant to ORS 183.415(3).

3. Licensee waives his right to a hearing in this matter.

4 Licensee is on probation for two years, which commences from the date this final order is signed.

5. Licensee will read a book by Angelica Redleaf D.C. entitled "Behind Closed Doors" and will provide a report to the OBCE of not less than 250 words on what he learned from the Book.

Licensee shall complete this within 6 months after this order is signed.

6. Licensee agrees that the Board may discipline him if after a contested case hearing it is shown that the provisions of this final order have been violated.

7. Licensee will provide a female chaperone who will remain available at all times for all female patients. The chaperone will be the wife of the Licensee.

8. The Stipulated Final Order memorializes the entire agreement between Licensee and the Board and supercedes all prior offers, negotiations or settlement discussions. Licensee agrees to indemnify the Board and hold them harmless for any and all claims, issues, and causes of action

he may have in regards to this matter or any issues relating to this discipline matter.

I have read and I fully understand all of the above facts and agree to the above terms:

IT IS SO ORDERED this 17th of April 2003.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signature on file
at the OBCE office.

By: -

4-17-2003

Dave McTeague
Executive Director

Original signature on file
at the OBCE office.

By: -

4-18-03

Trev Wheeler D.C.
Licensee