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

In the Matter of)
)
G. Dean Wilson, D.C.)
)
)
)
)
)

STIPULATED FINAL
ORDER

Case # 99-3002



15 The Board of Chiropractic Examiners (Board) is the state agency responsible for licensing,
16 regulating and disciplining chiropractic physicians in the State of Oregon. G. Dean Wilson is not a
17 licensed chiropractic physician in the State of Oregon. He is a licensed California chiropractor.
18 The OBCE served a Notice of Proposed \$10,000 civil penalty pursuant to ORS 684.100(9)(f) for
19 violation of 684.020 practicing chiropractic without a valid state of Oregon license on April 1,
20 1999. On May 19, 1999, Dr. Wilson requested a hearing on that notice of proposed civil penalty.
21 The Board determined the facts as follows:

22 1.

23 The Oregon Board of Chiropractic Examiners began an investigation that Dr. Wilson was
24 practicing chiropractic in the State of Oregon and on May 21, 1999 entered into a Stipulated
25 Judgment Granting a Permanent Injunction in the Circuit Court, County of Crook, State of
26 Oregon. That injunction is attached herein as Exhibit A. Dr. Wilson was disciplined in the State
27 of California and received a three year probation for the unlicensed practice in the State of
28 Oregon. That finding is attached herein as Exhibit B.

29
30
31 **FINDINGS OF FACT**

32 2.

33 Commencing sometime in 1998 Dr. Wilson was traveling from California to the Prineville area in
34 Oregon on a regular basis and was administering chiropractic treatments and upper cervical
35 adjustments in Oregon to residents for a "donation" of \$25 to \$30. On or about April 15, 1999,
36 G. Dean Wilson, D.C. of Stockton California, sent a letter to prospective patients in Central
37 Oregon soliciting appointments for the week of April 25, through April 30, 1999. Two patients
38 received that letter.

39
40 3.

41 The above conduct constitutes the practice of chiropractic without a valid license pursuant to
42 ORS 684.015, 684.020, 684.100(1)(g) and OAR 811-035-0015 (14).
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4.

On May 19, 1999, the OBCE subpoenaed any Oregon patient records that Dr. Wilson had. Dr. Wilson failed to respond to that subpoena. Dr. Wilson was notified by letter on September 20, 1999 that his failure to cooperate could also be seen as a discipline matter under OAR 811-035-0015

CONCLUSIONS OF LAW

5.

The Board having reviewed the above information finds that Dr. Wilson engaged in the practice of chiropractic in the State of Oregon and was not licensed at the time. The above conduct constitutes the practice of chiropractic without a valid license pursuant to ORS 684.015, 684.020, 684.100(1)(g) and OAR 811-035-0015 (14).

STIPULATED FINAL ORDER

6.

However, in the interest of settlement and to forego a contested case proceeding, the parties have agreed as follows pursuant to ORS 183.415(5) and ORS 684.100(9)(b) and (g) the OBCE orders:

1. Pursuant to ORS 183.415(5), the Board and Licensee agree to informally dispose of and settle this matter. Dr. Wilson stipulates that he has been advised of his right to request a hearing in this matter pursuant to ORS 183.415(2)(a) and be represented at a hearing pursuant to ORS 183.415(3).
2. The Civil Penalty in the sum of \$10,000 will be stayed and Dr. Wilson will pay \$100 to the Board, under protest. Payment will be made 30 days after this order becomes final.
3. Dr. Wilson will comply with the terms of the Injunction and will not practice Chiropractic in the State of Oregon unlicensed.
4. Dr. Wilson waives the right to appeal this Stipulated Final Order.
5. If Dr. Wilson violates the terms of the Injunction the Stay of the civil penalty may be terminated and effective after appropriate hearing under section 183.

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7.

This Stipulated Final Order sets forth the entire agreement and stipulation of the parties to resolve this matter. I have read and I understand all of the above Stipulated Final Order and fully agree to all of its terms.

IT IS SO STIPULATED this 31 day of December, 2001.

By: [Signature]
Original Signatures on file
at the OBCE Office
G. Dean Wilson DC

Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CROOK

STATE OF OREGON, ex rel. HARDY
MYERS, Attorney General, for and on behalf
of the OREGON BOARD OF
CHIROPRACTIC EXAMINERS,

Case No. CV990047

STIPULATED JUDGMENT GRANTING
PERMANENT INJUNCTION

Plaintiff,

v.

G. DEAN WILSON,

Defendant.

Plaintiff in the above-entitled cause commenced an action in the Circuit Court for Crook County against the above-named Defendant and requested a preliminary and a permanent injunction against Defendant, requiring him to refrain from the practice of chiropractic in Oregon without a valid Oregon license and for its costs herein.

A temporary restraining order was given by order of this court, made and entered on April 29, 1999. A hearing on notice to show cause why a preliminary injunction should not issue was set for May 19, 1999 at 2:00 p.m. in Room CCB of the Crook County Courthouse.

Defendant stipulates that a permanent injunction may issue from this court, permanently enjoining Defendant from the unlicensed practice of chiropractic anywhere in the state of Oregon.

Now therefore, based upon the stipulation of the Defendant, G. Dean Wilson,

IT IS ORDERED, ADJUDGED AND DECREED that G. Dean Wilson and his agents,

///

1 servants and all others acting under the control authority or direction of G. Dean Wilson, are
 2 strictly commanded to refrain and desist absolutely from practicing chiropractic anywhere in the
 3 State of Oregon without a valid Oregon chiropractic
 4 license.

5 DATED this ____ day of _____, 1999.

6
 7 Honorable Gary S. Thompson
 8 Circuit Court Judge

9 ~~IT IS SO STIPULATED:~~

10 Original Signatures on file
 11 at the OBCE Office

Dated: 5-18-99

12 G. Dean Wilson
 13 Defendant

14 Approved as to form and content:

15 Original Signatures on file
 16 at the OBCE Office

Dated: 21 May 99

17 Louis B. Dvorak, #75104
 18 Attorney for Defendant

19 Submitted by:

20 Original Signatures on file
 21 at the OBCE Office

22 Mary Lou Haas #85165
 23 Attorney for Oregon Board
 24 Of Chiropractic Examiners

25 cc: G. Dean Wilson
 26 Louis B. Dvorak, Esq.
 Mary Lou Haas, AAG

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

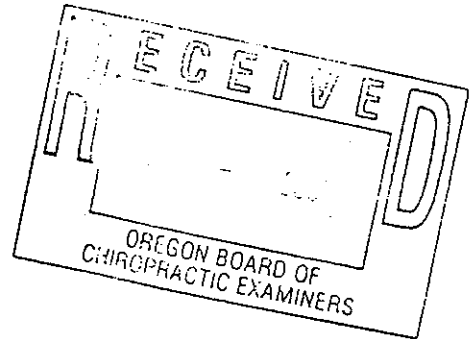
G. DEAN WILSON,
9454 North. Hwy. 99, Suite 19
Stockton, CA 95212

License No. DC-16089

Respondent.

Case No. 99-114

OAH No. N1999120221



DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Chiropractic Examiners as its Decision in the above-entitled matter.

This Decision shall become effective on : April 25, 2000.

IT IS SO ORDERED March 27, 2000.

Original Signatures on file
at the OBCE Office

Lloyd E. Boland, D.C.
Chairman
Board of Chiropractic Examiners

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

G. DEAN WILSON,
9454 North. Hwy. 99, Suite 19
Stockton, CA 95212

License No. DC-16089

Respondent.

Case No. 99-114

OAH No. 1999120221

PROPOSED DECISION

Administrative Law Judge Keith A. Levy, State of California. Office of Administrative Hearings. heard this matter in Sacramento, California on February 2, 2000.

Jana L. Tuton, Deputy Attorney General, represented complainant.

G. Dean Wilson represented himself.

The matter was submitted on February 2, 2000.

FACTUAL FINDINGS

1. Complainant, M. Elizabeth Ware, Executive Director of the Board of Chiropractic Examiners of the State of California made and filed the Accusation in her official capacity and not otherwise.

2. On January 1, 1984, the Board of Chiropractic Examiners (hereinafter "the Board") issued license No. DC-16089 to G. Dean Wilson (hereinafter "respondent") to practice chiropractic.

3. Respondent lived with his wife and raised his family in Redmond, Oregon from 1966 to 1979. Respondent made his living as a Real Estate broker. Because of a personal experience respondent had wherein he received relief from his asthma from chiropractic treatment, respondent decided to go back to school to become a chiropractor. In 1979, at age 49, respondent entered Life-West Chiropractic College in San Lorenzo, California. He graduated in 1983 and after becoming licensed opened up a practice in Lodi, CA. In November 1998 he moved the Family Chiropractic Center to Stockton, California. Respondent treats 12 to 15 patients a week and considers himself semi-retired. Respondent considered moving back to Oregon to retire and live near his family. He wanted to continue to do some chiropractic, so he sat for the Oregon examination on January 24, 1992. As a reciprocity applicant, he was required to take three written examinations: Ethics/Jurisprudence, Minor Surgery/Proctology and Obstetrics/Gynecology. Respondent failed to pass both the Minor Surgery/Proctology and OB/GYN exams. Respondent sat for the exams again on July 24, 1992. He passed the Minor Surgery/Proctology portion but once again failed the OB/GYN section. A year later respondent took the OB/GYN section again and again failed it.

4. It came to the attention of authorities in Oregon that for at least a year, commencing sometime in 1998, respondent was traveling from California to the Prineville area in Oregon on a regular basis and was administering chiropractic treatments and upper cervical adjustments to Oregon residents for a "donation" of \$25 to \$30. Just as in California, it is prohibited to practice chiropractic without a license in Oregon and one may be prosecuted and imprisoned, as well as be subject to administrative proceedings by the Oregon Board.

The Circuit Court of the State of Oregon for the County of Cook issued a Temporary Restraining Order and an Order to Show Cause why a preliminary injunction should not enter on April 28, 1999. A stipulated Permanent Injunction was entered into on June 18, 1999 enjoining respondent from the unlicensed practice of chiropractic anywhere in Oregon.

5. Respondent testified that he considers what he does as a chiropractor to be more of a calling than a profession. He feels he has a constitutional right to practice chiropractic in the State of Oregon. He further testified that it depends on his own ethics whether he feels obligated to follow the law. He feels there are laws in California that violate the Constitution of the United States. Respondent testified that he would obey the injunction but then later he testified that there was a question whether he would be obligated to obey if he came across someone in distress that he could help.

6. In mitigation, respondent has never, in the State of California, been charged with malpractice. This is the first disciplinary action taken against his license.

7. The costs for prosecution charged by the Department of Justice and incurred by the Board total \$650.

LEGAL CONCLUSIONS

1. Cause for discipline has been established pursuant to Business and Professions Code section 1000-10 in conjunction with Title 16, California Code of Regulations, section 317(j) based on Findings 3 and 4.

2. Finding 5 was considered as a factor in aggravation and Finding 6 was considered as a factor in mitigation. In consideration of all factors, in order to protect the public, respondent should be placed on probation with certain terms and conditions.

3. Title 16, California Code of Regulations, section 317.5, provides, in part, that the Board may request the administrative law judge to direct any licentiate found to have committed a violation of the Chiropractic Initiative Act to pay the Board a sum not to exceed the reasonable costs of the investigation and enforcement of the case. Finding 7 establishes the reasonable cost incurred by the Deputy Attorney General for prosecuting this matter.

ORDER

License No. DC-16089 issued to G. Dean Wilson is revoked. However, the revocation is stayed and respondent is placed on probation for three (3) years under the following terms and conditions:

1. Obey All Laws

Respondent shall obey all federal, state and local laws, and all statutes and regulations governing the practice of Chiropractic in California. This includes obeying the permanent injunction issued in the State of Oregon.

2. Quarterly Reports

Respondent shall submit quarterly reports under penalty of perjury on a form entitled A Quarterly Probation Report certifying and documenting whether there has been compliance with all conditions of probation. If the final probation report is not made as directed, probation shall be extended automatically until such time as the final report is made.

3. Probation Monitoring

Respondent shall pay the costs associated with probation monitoring each and every year of probation. Respondent shall comply with the board's probation compliance monitoring program. Failure to pay costs or comply with probation monitoring shall be considered a violation of probation.

4. **Interview with Board**

Respondent shall appear in person for interviews with the board's enforcement staff, the full board, or its designee upon request at various intervals and with reasonable notice.

5. **Continuing Education**

Respondent shall provide evidence of continuing education, required for license renewal, if requested by the board.

6. **Reimbursement of Board Costs**

Respondent shall reimburse to the board its costs of investigation and prosecution in the amount of \$650.00.

If respondent fails to pay the costs as directed by the board and on the date(s) determined by the board, probation shall be automatically extended until such time that all costs are paid in full.

7. **Tolling of Probation**

If respondent leaves California to reside or practice outside this state, or for any reason should respondent stop practicing chiropractic in California, respondent must notify the board in writing of the dates of departure and return or the dates of non-practice within ten (10) days of departure or return. Non-practice is defined as any period of time exceeding thirty (30) days in which respondent is not engaging in the practice of Chiropractic as defined in section 302 of the California Code of Regulations. Periods of temporary residency or practice outside the state or of non-practice within the state shall not apply to reduction of the probationary period. It shall be a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding a total, consecutive period of three years.

8. **No Preceptorships or Supervision of Interns**

Respondent shall not supervise any intern and shall not perform any of the duties of a preceptor.

9. **Violation of Probation**

If respondent violates probation in any respect, the board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation is filed against respondent during probation, the board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

If respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall automatically be extended until all terms and conditions have been met or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty which was stayed.

10. **Notice to Employees**

Respondent shall, upon or before the effective date of this decision, ensure that all employees involved in chiropractic operations are made aware of all the terms and conditions of probation, either by posting a notice of the conditions of the terms and conditions, circulating such notice, or both. If the notice required by this provision is posted, it shall be posted in a prominent place and shall remain posted throughout probation. Respondent shall ensure that any employees hired or used after the effective date of this decision are made aware of all the terms and conditions by posting a notice, circulating a notice, or both.

"Employees" as used in this provision includes all full-time, part-time, temporary and independent contractors employed or hired at any time during probation.

11. **License Surrender**

Following the effective date of this decision, if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily tender his license to the board. The board reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms and conditions of probation. Respondent shall relinquish his wall license and pocket renewal license to the board or its designee within ten (10) days from the date of acceptance.

12. **Completion of Probation**

Upon successful completion of probation, respondent's license will be fully restored.

DATED: February 17, 2002

Original Signatures on file
at the OBCE Office

KEITH A. LEVY
Administrative Law Judge
Office of Administrative Hearings



Oregon

John A. Kitzhaber, M.D., Governor

Oregon Board of Chiropractic Examiners

3218 Pringle Road SE

Suite 150

Salem, OR 97302-6311

(503) 378-5816

PRESS RELEASE

FOR IMMEDIATE RELEASE

April 30, 1999

**BOARD ACTS TO STOP TWO PERSONS
FROM PRACTICING CHIROPRACTIC WITHOUT A LICENSE
IN CENTRAL OREGON, URGES PUBLIC TO BEWARE**

The Oregon Board of Chiropractic Examiners Thursday afternoon obtained a temporary restraining order from Crook County Circuit Court Judge Gary S. Thompson to stop G. Dean Wilson, DC of Stockton, California from continuing to treat patients in the Central Oregon cities of Prineville and Bend. The Board also took action to stop Tom Burt from continuing to practice chiropractic in the La Pine area. Both Dr. Wilson and Mr. Burt are not licensed to practice chiropractic in Oregon.

"Central Oregon residents should be careful to not accept care from unlicensed persons," said Richard McCarthy, DC, and Board President from Cottage Grove. "An unlicensed person probably feels no obligation to meet the basic requirements of patient care and safety expected of any licensed chiropractic physician."

The Board authorized the Attorney General's office to move for the restraining order and injunction in the Wilson case in a special telephone meeting on Tuesday, April 27, 1999. They also approved the proposed administrative orders for \$10,000 civil penalties against both Dr. Wilson and Mr. Burt.

The Board also asked the judge for a permanent injunction to stop Dr. Wilson from practicing in Oregon. A hearing date is set for May 19, 1999. Failure by Dr. Wilson to appear could result in a default judgement against him.

COPY

The Board sprang into action when it received copies of a letter Dr. Wilson sent to prospective and past patients indicating he would be in Central Oregon April 25th through April 30th to see patients. The Board's investigator and a representative of the state Attorney General's office have been in Central Oregon for the last several days interviewing witnesses and preparing the legal papers.

"Having two cases of unlicensed practice in one area of the state is very unusual. It's a trend that concerns us. These characters are very difficult to catch in the act. We know Dr. Wilson previously made trips to Central Oregon to see patients," said Dave McTeague, Executive Director of the Board of Chiropractic Examiners, "This time we got wind of it before he arrived."

Wilson attempted to obtain an Oregon license in 1992. He failed one of the entrance examinations three times, the last time in 1993 and then was never heard from again.

"Dr. Wilson's patients should know, that as an unlicensed chiropractor, he cannot claim coverage under his chiropractic malpractice insurance policy for any injuries under his care," McTeague said. "It's also questionable whether Dr. Wilson takes the required history, performs an adequate examination, and establishes a diagnosis prior to treating his patients. These are basic requirements of any licensed Oregon chiropractic physician."

In the Tom Burt case, in addition to the proposed \$10,000 civil penalty, the Board authorized the Executive Director to pursue a restraining order and permanent injunction if Mr. Burt persists in portraying himself as a chiropractic physician and continues to practice chiropractic in Oregon.

Mr. Burt recently practiced chiropractic out of a La Pine restaurant where he worked as a cook. Burt also has a business building green houses. Burt passed out business cards identifying himself as a chiropractic physician. He said he is or had been licensed in California and Montana. One witness said Mr. Burt performed chiropractic adjustments to three or four people in the restaurant while they were seated in chairs. Mr. Burt reportedly charged \$35.00 per adjustment and \$35 per hour for massage therapy. He is reported to have plans to leave the area soon.

When interviewed by the Board's investigator at Mr. Burt's current residence in La Pine, Oregon, Burt confirmed he was "Tom Burt" and his phone number was "536-9591" as listed on his business card for "La Pine Greenhouses." He also confirmed that if anyone called that number they could reach him, Tom Burt. Mr. Burt was then presented with a copy of his other business card which reads: "Chirosport, Inc., Tom Burt, D.C., Chiropractic Physician, Phone: (541) 536-9591." Mr. Burt responded to the OBCE investigator, "You're not a cop, you're not law enforcement. I don't have to tell you anything."

A phone call to the California Board of Chiropractic Examiners revealed that Burt was originally licensed there in 1985. In 1993 Thomas Ray Burt received a temporary license to practice chiropractic in that state which expired after 150 days due his failure to pay child support.

Any person with additional knowledge of Dr. Wilson or Mr. Burt's activities is asked to call the Board at 503-378-5816 and speak to the Board's investigator at extension 25.

Practicing chiropractic health care without a license is a violation of Oregon Revised Statutes 684.015, 684.020 and Board of Chiropractic Examiners administrative rule 811-035-0015 (14). The Board also proposed the maximum civil penalty of \$10,000.00 pursuant to ORS 684.100 (9)(f).

The Oregon Board of Chiropractic Examiners (Board) is the state agency responsible for licensing and regulating chiropractic physicians in the State of Oregon. The Board consists of five chiropractic physicians and two public members. Jim Wilkens, DC, of Bend, has been a member of the Board since September 1998.

(30)

For more information contact Dave McTeague, Executive Director at 503-378-5816, ext. 23.