

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	Case # 2008-5000
Michael Arnot, D.C.)	
)	
)	STIPULATED FINAL ORDER
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. Michael Arnot, D.C. (hereafter "Licensee"), is currently licensed by the Board to practice as a chiropractic physician in Oregon.

FINDINGS OF FACT

1.

Licensee advertises in newspaper media "I got rid of my back pain forever, call the toll free number and I'll reveal my secret for free." In the newspaper ad, in the text of the ad it is revealed that Dr. Michael Arnot is a doctor of chiropractic. A toll free number is provided for a potential patient to call to get a free report. In addition, it refers to a web page site called "911hurtbackinfo.com." There a potential patient can sign up to receive a free report about free back pain, if they fill in certain information within a certain time period. On the website page, there is no mention of any specific named doctor, a specific clinic, what type of doctor it involves, or who the report is coming from.

2.

The free report that is provided consists of several pages that discuss low back pain. Included in the free report are references to being one of the "leading authorities in the treatment of low back pain in the entire State." (page 7 of the report) The report states they will do a "Surface EMG Test using a piece of high tech equipment used by NASA scientists." In the response provided by Licensee, he did not address the references to NASA specifically, but only attached some studies upon which he relies. Also enclosed in the free report is a certificate attached which refers to Dr. Michael Arnot does not specify what type of Doctor Dr. Arnot is. The entire report is signed by "Dr. Michael Arnot, Clinic Director of Hillsdale Chiropractic and Rehabilitation Center." It does not provide what type of doctor that Dr. Arnot is. (page 8) The only reference to Dr. Arnot being a doctor of chiropractic is on page 6 hidden in the text of this multi paged report. This reference requires that the reader search that information out to assess what type of Doctor Dr. Arnot actually is.

3.

Failure to state a doctor's name and specific title on the "911hurtbackinfo.com" web page is a violation of the Oregon Doctors' Title Act, ORS, 676.110, and OAR 811-015-0045 (3) which says, "A Chiropractic physician shall adhere to the Doctors' Title Act, ORS 676.110(2)." In addition, on the free report, only listing Dr. Arnot in one spot as a chiropractic physician and forcing the patients to search out the information through several pages of the report is misleading advertising as well as a violation of the Doctor's Title Act. His clinic, identified as the "Hillsdale Chiropractic and Rehabilitation Clinic," could be construed to be a multidisciplinary clinic with other (doctor) health care providers. Therefore, identifying himself as "Dr." without "chiropractor" or "chiropractic physician" is misleading to the reader.

His statement that "we do brag about being one of the leading authorities of treatment of low back for the entire state" is not supported and without that support is misleading. A reasonable person would infer that Licensee is stating that he is "one of the leading authorities." However, his reference is to a study which speaks to the general efficacy of chiropractic treatment of low back pain and does not document that Licensee is a "one of the leading authorities." This violates OAR 811-015-0045(1)(a).

The Board questioned Licensee's statement referring to NASA scientists in his report which says, "Then we're going to do a Surface EMG Test using a piece of high-tech equipment used by NASA scientists." The Board stated it believes this implies the specific device used by the Licensee is used by NASA scientists. Licensee responded, "If you are inferring that I have made a statement to the degree that NASA uses the exact same unit as we do you have been mistaken." Since then Licensee has agreed to modify this language to say "Then we're going to do a Surface EMG Test using a piece of equipment similar to that used by NASA scientists."

Licensee's statement, "when it comes to most cases of low back pain, physical therapy can often lead to more pain and more serious injuries or at best, no improvement." He cites a study which concludes, "the manual-therapy group experienced much greater improvements than the exercise group in all areas of improvement (pain, functional status, etc.) at every point in follow-up.... compared to exercise patients." Instead of factually stating the study's conclusions, Licensee spins this in the most negative way possible, stating that physical therapy actually can "lead to more pain and serious injuries" not that it's possibly an effective treatment, but not as effective as manual therapy which includes chiropractic like adjustments. This violates OAR 811-015-0045(1)(a).

4.

Licensee responded that his desire is to advance the profession of chiropractic and denies any assertion that he would mislead anyone regarding his intentions or abilities.

5.

CONCLUSION OF LAW

The above violates Oregon Doctors' Title Act, ORS, 676.110, OAR 811-015-0045 (3) and OAR 811-015-0045(1)(a).

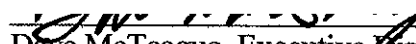
ORDER: Licensee is issued a \$250 civil penalty due to the above mentioned violations.

Effective last date signed below.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signatures on file at OBCE office

By:


Dave McTeague, Executive Director

Date: 2-28-2008

Original signatures on file at OBCE office


Michael Arnot D.C.

Date: 2-20-2008