

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

COPY

In the Matter of)
)
Bryan Baisinger, D.C.) STIPULATED FINAL ORDER
License No; 2919)
)
)
Licensee.)
) Case # 2007-1004, 2007-1001,
) 2007-1012, 2007-1013

2007-1011
I.E.

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. Bryan Baisinger, D.C. (hereafter "Licensee"), is a licensed chiropractic physician in Oregon.

Findings of Fact

1.

In August of 2005, Patient 1 saw Licensee for work on her Atlas. At the time Licensee told her she had some stiff breast tissue that was causing the hyper-mobility of the atlas and she needed a specific procedure to break up the hard tissues. Without warning or permission to do the procedure, Licensee began to do the procedure and caused a great deal of pain to Patient 1. Licensee did not receive full or adequate informed consent from Patient 1 before proceeding with the procedure.

2.

From September 2006 through November 2006, Patient 2 saw Licensee for a variety of reasons. She sought treatment for cervical and thoracic pain. She too was told that she needed to be treated in the upper chest area and that her breasts were very hard. Licensee did not explain what he was going to do nor ask for permission. Licensee pulled up the top of the gown and took hold of her left breast and began to pull and knead it in a very rough manner. When Patient 2 complained of hip pain, Licensee suggested an anal adjustment. Licensee did not explain the procedure to the patient and did not ask her permission to proceed. Licensee went ahead with the adjustment which was very uncomfortable and lasted 5 to 6 minutes. Later on in treatment, Licensee suggested she get a vaginal adjustment to deal with the pain. Again, Licensee did not explain the procedure or ask permission to do it. That adjustment was also extremely painful. Licensee failed to adequately inform the patient of the procedure, and lacked informed consent.

3.

Patient 3 went to Licensee for pain in her trapezoid muscles. Licensee told her she had fibrous breast tissue and it needed to be broken up. Without permission and without explaining

the procedure to her, Licensee began to reach for her breasts and lifted them and pulled for approximately 2 minutes. The procedure was painful. Licensee failed to adequately inform the patient of the procedure, and lacked informed consent.

4.

In all of the patient records for Patients 1, 2, and 3, no notations of the types of adjustments provided were made regarding the procedures used, whether informed consent was given orally or in writing, or any documentation to assist in review of what type of procedure had been provided.

Conclusions of Law

5.

The Board finds that Licensee's conduct as described herein constitutes unprofessional conduct in that he failed to adequately and fully receive informed consent from his patients with these adjustments. In that they lacked full informed consent Licensee's practice, as described above, constitutes violations of ORS 684.100 (1)(g)(A); and OAR 811-035-0005. In addition, Licensee failed to document the therapeutic services provided in the records and is in violation of OAR 811-015-0005. The patient has the right to informed consent regarding procedures, risk and alternatives and answers to questions with respect to treatment, in terms that they can be reasonably expected to understand.

Stipulations

6.

Therefore, pursuant to ORS 183.415(5) and ORS 684.100(9)(e) the OBCE orders:

1. The parties have agreed to enter this stipulated final order. Licensee agrees to the entering of this final order. Licensee agrees that he is aware of his right to a hearing with his attorney present to contest the charges and hereby waives that right and agrees to entry of this order. The signature of this order also waives any right to appeal. The parties wish to settle and resolve the above matter without further proceedings.
2. Licensee agrees to issuance of a Letter or Reprimand.
3. This is a public document.
4. Failure to complete this stipulated final order with the terms so stated, may result in further discipline, up to and including, revocation.

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

Dated this 1st day of August 2007.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director

Original signatures on file
at the OBCE office.

Bryan Baisinger D.C.

Date signed: 8/6/07

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