

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of:

David Bohrer DC

Licensee 2206.

Agency Case No. 2007-3009, 2009-3014

STIPULATED FINAL ORDER

The Oregon Board of Chiropractic Examiners (hereafter "Board") is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. David Bohrer, D.C. (hereafter "Licensee"), is currently licensed by the Board to practice as a chiropractic physician in Oregon and is subject to the jurisdiction of the OBCE. The Board has determined as follows:

Findings of Fact

1.

From January through March 2009, Licensee engaged in using illicit and illegal drugs and admitted to having a substance abuse problem to the Board investigator. Licensee continued in the drug use at the expense of causing serious health issues and checked himself out of the hospital against recommendations.

In April 2009, the Board determined through their investigation that they had grounds to take disciplinary action for habitual or excessive use of controlled substances, intoxicants or drugs in violation of ORS 684.100(1)(g)(A) and OAR 811-035-0015(13). The Board had the results of a February 2009 urine screen which was found as abnormal, and positive for benzodiazepines, cocaine and opiates. Licensee admitted to treating patients while under the influence of drugs and to abusing prescription medications. On April 17, 2009 Licensee agreed to enter into a consent order that allowed him to receive evaluation and treatment and the board to finish the investigation.

In the Consent Order, Licensee agreed to a suspension of his chiropractic practice which included a prohibition on being able to perform duties in any capacity or function in any setting. Licensee was suspended effective April 16, 2009. Licensee also agreed that prior to being allowed to practice, he would complete a drug addiction treatment program.

2.

Between April and June 2009 the Board became aware that Licensee continued to practice chiropractic medicine despite being in a suspended license status. Investigation revealed that from April 21, 2009 through July 9, 2009 Licensee saw approximately 3-4 patients per day during that period. The appointment book revealed 25 different patients were seen multiple times during that period. Patients were seen for chiropractic adjustments, nutritional and personal training services. The Board considers providing these services to be practicing chiropractic medicine. Licensee claimed he was seeing clients for nutritional and personal training services only, something he had done prior to becoming a chiropractic physician. On July 21, 2009 the OBCE issued a notice to revoke Licensee's license to practice chiropractic for aforementioned violations.

Licensee entered into an intensive in-patient treatment program for 28 days and has since entered into and continued his treatment in an outpatient treatment program, along with regular attendance at AA/NA meetings. He has continued with an aftercare program to the present and is currently in compliance with the consent order agreement.

Conclusions of Law

3.

The above facts are violations of ORS 684.100(1)(f) and (g)(A) and OAR 811-035-0015(13). By continuing to practice while suspended, Licensee has violated ORS 684.100(1)(g)(A) and OAR 811-035-0015(23) by failing to follow a final order of the Board.

Stipulated Final Order

4.

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. This order concludes the issues raised in Cases 2007-3009 and 2009-3014. As part of this Order, Licensee agrees to provide authorization for medical and treatment records to the Board and will execute a Consent for Release of Confidential Information. 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 parties wish to settle and resolve the above matter without further proceedings.
2. Provided Licensee abides fully by the terms of this order, he may return to the active practice of Chiropractic upon renewal of his license.
3. Licensee is placed on probation and must participate in this continuing aftercare and monitoring program or as modified by the OBCE for a minimum of five years. Thereafter the probation, treatment and monitoring may be concluded upon a demonstration to the OBCE that Licensee has successfully completed all treatment programs and has fully abided by the terms of this Stipulated Final Order. The probation begins on the date that Licensee completes the renewal of his 2009 license.
4. Licensee agrees to continue with his aftercare treatment with CODA for the next year with at least 2 visits per week. Licensee will inform the provider that reports are to be provided to the OBCE quarterly for that year.
5. Licensee agrees to fully participate in Twelve Step recovery which includes attending NA meetings at least twice per week during the probationary period.
6. Licensee agrees to undergo urine drug screens with a comprehensive panel of drugs specifically tested for health professionals at a frequency of not less than 24 for the first three years, and 12 per year for the next two years. Licensee agrees that a medical review officer will interpret the

results of the drug screens and that this is at Licensee's cost. The Board may elect to extend the probation time periods and these requirements if Licensee tests positive for any drugs or controlled substances or is found to have used these substances contrary to this agreement.

7. If the OBCE requests, Licensee agrees to allow the OBCE to designate a member of his office staff or a chiropractic colleague as "office monitor." The monitor must be willing to call the board to report if Licensee's behavior begins to change or deteriorate. Licensee agrees to sign an agreement with this monitor to hold that person harmless for any negative consequences whatsoever for making this report. Licensee understands the monitor may report to the OBCE without his knowledge.
8. Licensee will be required to appear before the Board at the January 2010 and March 2010 board meetings and up to once a year thereafter.
9. Licensee must demonstrate good ongoing recovery by having a home group, a sponsor, and actively working with other recovering addicts.
10. Licensee shall abstain from the use of all mood-altering chemicals, including alcohol and any substances including prescriptive and non prescriptive drugs and nitrous oxide.
11. Any use of medications by Licensee must be recommended by his personal physician, with the direct knowledge and cooperation of the OBCE.
12. Licensee shall instruct all of the professionals participating in his treatment plan to promptly respond to the Board of Chiropractic Examiners inquiry concerning Licensee's compliance with the treatment plan and to immediately report to the Board any positive test results or any serious failure to fully participate by Licensee. Licensee shall instruct the foregoing professionals to make quarterly reports to the Board of Chiropractic Examiners of Licensee's progress and compliance with the treatment plan.
13. Licensee waives all privilege with respect to any physical, psychiatric or psychological evaluation or treatment in favor of the Board for purposes of determine compliance with this

Order, or the need to, or the appropriateness of, modifying this Order, and will execute any waiver or release the board requests.

14. Licensee shall complete all continuing education requirements in face to face settings instead of audio, video or internet programs.
15. Licensee must renew 2009 license renewal prior to reentering practice. The Board waives the late fines. Licensee must provide the Board with documentation of completion of continuing education requirements for his 2009 license renewal along with his renewal.
16. Licensee shall not apply for release from probation any earlier than five years from the effective date of this order.
17. If Licensee clearly violates any of the terms of this order and or Licensee fails to abide by the terms of his probation set by the Board, the Board may issue an immediate suspension of Licensee's chiropractic license.
18. This order is effective on the date signed by the Board.

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IT IS SO ORDERED this 23rd day of November, 2009.

OREGON BOARD OF
CHIROPRACTIC EXAMINERS

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signature on file at OBCE

By: 
Dave McTeague Ex. Director

Original signature on file at OBCE

By: David Bohrer DC

Dated: 11-27-09