

BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS

STATE OF OREGON

In the Matter of the License to Practice as a
Chiropractor of:

JEFFREY BRATTEN, D.C.,
Licensee.

STIPULATED FINAL ORDER IMPOSING
DISCIPLINE

Case No. ~~98-4000~~ 99-4001

The Board of Chiropractic Examiners (Board) is the state agency responsible for licensing, regulating and disciplining chiropractors in the State of Oregon. Jeffrey Bratten, DC (Licensee), is licensed as a chiropractic physician by the Board, and practices in Gresham, Oregon.

I

The Board issued a Notice of Proposed Disciplinary Action on April 14, 1999. On April 14, 1999, Licensee was served with Notice of Proposed Disciplinary Action. On April 30, 1999, Licensee filed an answer and request for hearing. On May 17, 1999, Licensee submitted a written offer of settlement to the Board. The Board and Licensee agree that the April 14, 1999 Notice of Proposed Disciplinary Action may be resolved on the terms set forth in this Stipulated Final Order.

II

The Board and Licensee agree to the following facts:

a. In 1993, Licensee purchased the chiropractic practice and clinic name of "Pettigrew Chiropractic Clinic" from Steven Pettigrew, DC. Steven Pettigrew subsequently left the state, and later returned and resumed practice. Dr. Pettigrew is currently a licensed Oregon chiropractic physician with an office in Tualatin, Oregon.

1 Chiropractic Clinic,” without identifying himself as the treating doctor. In the course of its
2 investigation, the Board obtained two copies of postcards with mailing labels affixed from the
3 “Pettigrew Chiropractic Clinic” with the same phone number and mailing address as Licensee’s
4 “Pettigrew Chiropractic Clinic.”

5 c. Other examples of Licensee’s advertising from 1995 also show that Licensee has
6 previously advertised under the name “Pettigrew Chiropractic Clinic” without identifying
7 himself as the treating doctor.

8 III

9 Based upon the facts set out above, the Board finds that Licensee knew or should have
10 known that some of his advertisements for “Pettigrew Chiropractic Clinic” failed to identify
11 Licensee as the treating chiropractic physician.

12 IV

13 Licensee’s conduct as described in part II above constitutes a violation of OAR 811-015-
14 0045(3) which states:

15 a chiropractic physician shall not advertise by any media or by
16 telephone without disclosing his/her personal name and the name
of the profession.

17 V

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

20 a. Pursuant to ORS 183.415(5), the Board and Licensee agree to informally dispose
21 of and settle this matter.

22 b. Licensee stipulates that he has been advised of his right to request a hearing in
23 this matter pursuant to ORS 183.415(2)(a), and to be represented at a hearing pursuant to ORS
24 183.415(3).

25 c. Licensee waives his right to a hearing in this matter.

6 d. Licensee admits that his conduct violated the Board’s statutes and rules in that he
failed to identify himself as the treating physician in advertisements for his clinic.

1 e. Licensee agrees to accept a Letter of Reprimand from the Board.

2 f. Licensee agrees to pay costs of this disciplinary proceeding, including
3 investigative and attorney fees, of \$ 210. ~~00~~ dollars.

4 g. Licensee waives the right to appeal this Stipulated Final Order.

5 h. This Stipulated Final Order memorializes the entire agreement between the
6 Licensee and the Board and supercedes all prior offers, negotiations or settlement discussions
7 regarding this matter.

8 i. The Board and Licensee stipulate to the above facts and agree that this
9 disciplinary action may be concluded by the entry of the following order:

10
11 **ORDER**

12 NOW THEREFORE, pursuant to the stipulations above,

13 IT IS HEREBY ORDERED that Jeffrey Bratten, DC is REPRIMANDED.

14 IT IS ALSO ORDERED that Jeffrey Bratten, DC pay costs in the amount of \$ 210 ~~00~~
15 dollars.

16 THIS STIPULATED FINAL ORDER sets forth the entire agreement and stipulation of
17 the parties to resolve this matter.

18 IT IS SO STIPULATED this 10 day of Aug, 1999.

19 Original signature on file
20 at the OBCE office.

21 JEFFREY BRATTEN, DC

22 IT IS SO STIPULATED AND ORDERED this 20th day of August, 1999.

23
24 Original signatures on file S
25 at the OBCE office. /

26 DAVE MCTEAGUE, EXECUTIVE DIRECTOR

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1 clinic owner. In the course of its investigation, the OBCE
2 obtained two copies of postcards with mailing labels affixed from
3 the "Pettigrew Chiropractic Clinic" with the same phone number
4 and mailing address as Dr. Bratten's "Pettigrew Chiropractic
5 Clinic." Licensee denies any knowledge of advertising for his
6 office that does not also contain his name and identify him as
7 the chiropractic physician for the clinic.

8 4.

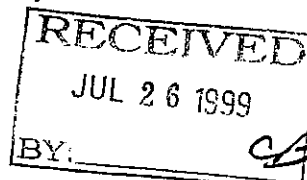
9 Other examples of Licensee's advertising from 1995 also show
10 that Licensee has previously advertised under the name "Pettigrew
11 Chiropractic Clinic" without identifying himself as the treating
12 doctor.

13
14 5.

15 The OBCE finds that Licensee either knew or should have
16 known that he has advertised under the name "Pettigrew
17 Chiropractic Clinic" without identifying himself as the treating
18 doctor. The OBCE finds that Licensee's current advertising
19 misleads the public as to the identity of the treating doctor in
20 the "Pettigrew Chiropractic Clinic." This conduct violates OAR
21 811-015-0045 (2) and (3) which state:

22
23 (2) A chiropractor shall not practice under a name that is misleading as to the
24 identity of the chiropractor or chiropractors practicing under such name or under
25 a firm name which is misleading.

26
27 (3) A Chiropractic physician shall not advertise by any media or by telephone without
28 disclosing his/her personal name and the name of the profession.



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6.

The OBCE proposes to issue a Letter of Reprimand and impose a \$500 Civil Penalty upon Licensee, and to require Licenses to take immediate steps to correct all advertising in a manner that complies with the requirements of all applicable statutes and rules.

7.

The OBCE proposes that Licensee shall pay costs of this disciplinary proceeding, including investigative costs and attorney fees pursuant to ORS 684.100(9)(g).

8.

Licensee has the right, if Licensee requests, to have a formal contested case hearing before the OBCE or its hearings officer to contest the matter set out above. At the hearing, licensee may be represented by an attorney and subpoena and cross examine witnesses. That request for hearing must be made in writing to the OBCE, must be received by the OBCE within 21 days from the mailing of this notice (or if not mailed, the date of personal service), and must be accompanied by a written answer to the charges contained in this notice.

9.

The answer shall be made in writing to the OBCE and shall include an admission or denial of each factual matter alleged in this notice, and a short plain statement of each relevant affirmative defense licensee may have. Except for good cause, factual matters alleged in this notice and not denied in the answer will be considered a waiver of ~~such defense~~ new matters

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1 alleged in the answer (affirmative defenses) shall be presumed to
2 be denied by the agency and evidence shall not be taken on any
3 issue not raised in the notice and answer.
4

5 10.

6 If licensee requests a hearing, before commencement of that
7 hearing, licensee will be given information on the procedures,
8 rights of representation, and other rights of the parties
9 relating to the conduct of the hearing as required under ORS
10 183.413-415.
11

12 11.

13 If licensee fails to request a hearing within 21 days, or
14 fails to appear as scheduled at the hearing, the OBCE may issue a
15 final order by default and impose the above sanctions against
16 licensee. Licensee's submissions to the OBCE to-date regarding
17 the subject of this disciplinary case and all information in the
18 OBCE's files relevant to the subject of this case automatically
19 become part of the evidentiary record of this disciplinary action
20 upon default for the purpose of proving a prima facie case.
21

22 Dated this 14th day April, 1999.

23 BOARD OF CHIROPRACTIC EXAMINERS
24 State Of Oregon

25 By: _____

26 Dave McTeague, Executive Director

