

BEFORE THE  
BOARD OF CHIROPRACTIC EXAMINERS  
STATE OF OREGON

In the Matter of	)	
	)	Case # 2015-5000
Mauro Civica, applicant DC	)	
	)	
	)	<b>FINAL DEFAULT ORDER</b>
	)	<b>DENIAL OF LICENSURE</b>
	)	

The Oregon Board of Chiropractic Examiners (hereafter “Board” or “OBCE”) is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Mauro Civica, (hereafter “Applicant”) applied for a license as a Chiropractic Physician in Oregon.

Findings of Fact

1.

On December 29, 2014, the OBCE received Applicant’s application for chiropractic physician in Oregon. On question three, Applicant answered yes to the question “have you ever been denied a license or had your chiropractic license suspended, limited or revoked or been denied the right to take an examination for such licensure?” Applicant also answered yes to question 5 which read “has any disciplinary action ever been taken regarding any chiropractic license or any other professional license you now hold or have ever held. Applicant did not provide further explanation of his answers.

2.

In cases 1999-1012, 1999-1020, 1999-1021, 1999-1024, 19993005 and 2000-1008, the Board Proposed Disciplinary Action against Applicant who was a licensed chiropractor for sexual boundary violations against 5 different patients. That matter went to a contested case hearing where the Applicant was found to be in violation of ORS 684.100(1)(g), OAR 811-035-0015(1)(a) and (2), unprofessional conduct and the Board issued a Final Order revoking Applicant on September 20, 2001. Thereafter, the Board entered into a Stipulated Final Order with Applicant after reconsideration, allowing Applicant to remain licensed by requiring a 7 year probationary period with other requirements. That became final on December 14, 2001. In that final order Applicant was required to have a permanent license restriction of a chaperone present during examination of all female patients.

3.

On July 19, 2003, Applicant admitted to a polygrapher he had provided treatment without a chaperone and a Board investigation found that Applicant had been violating his previous

order. On May 28, 2004, Applicant was served with a second Proposed Notice for Discipline for failure to abide by the terms of his agreement. On January 18, 2005, Applicant signed a Final Stipulated Order agreeing to the following:

1. Licensee agrees that he has been advised of his right to request review of this matter pursuant to ORS 183.415(2)(a). Licensee waives his right to review in this matter.
2. Licensee's license is suspended for 90 days beginning on February 15, 2005 during which time he may not engage in the practice of chiropractic,
3. Following the period of suspension, Licensee's license is placed on probation for a period of 7 years.
4. As a **PERMANENT** restriction on his license, Licensee has agreed to the following:

A. Licensee shall have an OBCE approved female chaperone present during examination and treatment of all female patients. The chaperone shall not be related to the Licensee or involved in the past or currently in a personal relationship with Licensee. The chaperone shall meet with representatives of the Board to be interviewed. The Licensee shall provide the chaperone with a copy of the Stipulated Final Order and obtain the chaperone's agreement to inform the Board if the chaperone has concerns that Licensee has violated the conditions of the Stipulated Final Order or is engaging in behavior which may place a patient at risk. An agreement with Licensee stipulating no harm or retribution to the chaperone may be incurred for reporting to the OBCE will also be signed.

Further, each female patient shall be required to read and initial a statement explaining the reasons for having a female chaperone at the time of her initial visit. A parent or guardian shall sign the statement for a female patient who is below the age of eighteen. (18). The chaperone shall initial the statement. Licensee shall retain the statement in the patient's file. A patient may not waive the presence of the chaperone. The chaperone shall initial the patient's chart at the time of each visit to confirm her presence during the visit.

B. Licensee is permanently prohibited from performing any coccyxgeal or vaginal adjustments.

C. Licensee is permanently prohibited from massaging any female patients.

5. During probation, Licensee agrees to enter into treatment with an Oregon licensed psychologist or psychiatrist approved by the OBCE and continue in treatment as long as that professional deems necessary. This professional must specialize in treatment of sexual offenders. All therapy and reporting will be at the sole cost of the licensee. Licensee shall cause the treating psychologist to submit periodic reports to the OBCE regarding Licensee's progress at a duration of not less than once every six months. Licensee waives any privilege and consents to allow contact between the treating psychologist or psychiatrist and the OBCE for purposes of verifying compliance with the terms and conditions of this proposed order. Treatment will be required until such time that the provider deems and supports in writing that Licensee is no longer in need of treatment. If no further treatment is deemed necessary, the Board may require a second evaluation from a professional so that a joint determination by the professionals involved can be made to determine if removal from treatment is appropriate. The Board has agreed that it will not use the services of Dr. Blake Fischer-Davidson in this matter.
6. During probation, Licensee will be required to submit to annual compliance polygraph tests with a polygrapher chosen by the Board. Licensee will provide for all costs for the examinations.
7. During probation, Licensee will be required to allow visits by the Board or its representative who shall have access to Licensee's business premises to examine, review and photocopy Licensee's patient records and record keeping process.
8. Licensee is assessed costs for this proceeding in the amount of \$15,000.00 pursuant to ORS 684.100(9)(g). If Licensee falls in arrears in his payment three months or more, the Board will request the services of the Oregon Department of Revenue in account recovery.
9. Upon signature of this order Licensee agrees to come into compliance with the chaperone requirements enumerated in paragraph 4. Licensee agrees if he fails to come into immediate compliance with paragraph 4 of this order, that would be considered as grounds for the Board to proceed to emergency suspension where he would be entitled to a hearing. Licensee agrees that the Board may revoke his license if after a contested case hearing it is shown that the provisions of this stipulated final order have been violated. Licensee agrees to not engage in any conduct or verbal behavior toward any patient that may be reasonably interpreted by the patient as sexual, sexually suggestive, seductive or demeaning. If at any time after the date of entry of this order, the OBCE establishes after contested case hearing that licensee has engaged in inappropriate sexual contact with patients, the conduct may be used as a basis for license revocation.

4.

Applicant left the State of Oregon shortly after the agreement quoted in paragraph 3 was entered. Applicant did not communicate with the Board prior to leaving the state of Oregon nor attempt to assure the Board he would honor that agreement. Applicant was making payments on his cost recovery when he left the state of Oregon. After January 2005, the Board did not receive monthly payments from Applicant on his cost recovery agreement. In July 2005, the Board filed a lien against property rights of Applicant and received the costs. Applicant did not fulfill his obligation under the January 2005 agreement, in that Applicant did not serve his 7 year probation, did not get treatment with an Oregon licensed psychologist, did not submit for record reviews, or submit to annual polygraph tests as required. Applicant has been absent from the state of Oregon since 2005.

5.

On January 21, 2015, the Board issued its Notice of Proposed Denial of Licensure. Although the notice correctly stated he had to request a hearing in 60 days, the letter accompanying the denial said he had 90 days to request a hearing. In the proposed notice, it indicated that a default order would be issued based on the Board's record if no request for hearing was timely filed. Since the Board provided a conflicting notice time in the notice and letter for the denial, the Board afforded Applicant 90 days to request a hearing. The 90 day time period expired on April 21, 2015. Applicant has failed to timely request a hearing and is now in default.

Conclusions of Law

6.

The Board finds that the acts and conduct of applicant in his two previous actions with the Board are cause to refuse to grant a chiropractic license to Applicant. The Board finds that his disciplinary history is not a satisfactory representation of good moral character pursuant to ORS 684.040(2)(a). In addition, the Board finds that same conduct to warrant refusal for licensure as inappropriate sexual contact with multiple patients is unprofessional conduct under ORS 684.100(1)(f)(A) and OAR 811-035-0015(1). Further, Applicant's failure to fulfill the January 2005 Final Stipulated Order warrants denial of application as it is a violation of ORS 684.100(1)(f)(A) and OAR 811-035-0015(23), failing to follow a final order of the Board.

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Order

7.

The Board hereby denies Applicant's application for licensure in the State of Oregon.

DATED this 1<sup>st</sup> day of May, 2015.

**BOARD OF CHIROPRACTIC EXAMINERS**  
State of Oregon

Original signatures are on file in OBCE office

By:


Cassandra C. Skinner J.D., Executive Director  
Oregon Board of Chiropractic Examiners

State of Oregon )

County of Marion ) Case # 2015-5000

I, Cassandra C. Skinner, being first duly sworn, state that I am the Executive Director of the Board of Chiropractic Examiners of the State of Oregon, and as such, am authorized to verify pleadings in this case: and that the foregoing Notice is true to the best of my knowledge as I verily believe.

Original signatures are on file in OBCE office

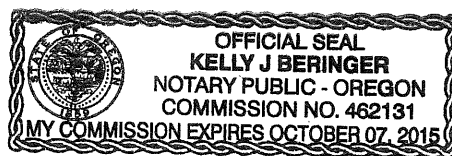
  
Cassandra C. Skinner, J.D.  
EXECUTIVE DIRECTOR  
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me

this 1st day of May, 2015.

Original signatures are on file in OBCE office

NOTARY PUBLIC FOR OREGON  
My Commission Expires: 10/7/2015



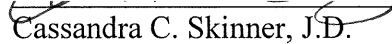
## Certificate of Service

I, Cassandra C. Skinner, certify that on the 1<sup>st</sup> day of May, 2015, I served the foregoing Final Default Notice of Denial upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Mauro Civica  
1901 N. Redwood Street  
Canby OR 97013

Lori H. Lindley  
Department of Justice  
General Counsel  
1162 Court St. NE  
Salem, OR 97301-4096

Original signatures are on file in OBCE office

  
Cassandra C. Skinner, J.D.  
Executive Director  
Oregon Board of Chiropractic Examiners