

BEFORE THE  
 BOARD OF CHIROPRACTIC EXAMINERS  
 STATE OF OREGON

In the Matter of	)	
	)	Case # 2019 -1010
Miven Donato, DC	)	
	)	
Licensee.	)	FINAL DEFAULT ORDER
	)	
	)	

The Oregon Board of Chiropractic Examiners (Board or OBCE) is the state agency responsible for licensing, regulating, and disciplining chiropractic physicians and certified chiropractic assistants in the State of Oregon. Miven Donato, DC (Licensee), is currently licensed by the Board to practice as a chiropractic physician in Oregon.

Findings of Fact

1.

The Board received a complaint regarding the care offered by Licensee to Patient 1 who was located out of state and suffering from Stage IV breast cancer. Licensee was utilizing the Gerson therapy program. The complaint alleged that Licensee’s website advertisement stated that 90% of his patients were treated with Gerson Therapy, many of which aimed to cure their cancers. The advertisement quoted a spokesperson for Gerson therapy saying cancer is easily curable through the program.

In response to the Board complaint, Licensee stated that he provides a web based nutritional counseling service as a Gerson practitioner. He stated all consultations are done via online videoconferencing using Zoom software with a high resolution, face-to-face encounter. He stated that, since 2014, he had been providing this therapy in this capacity.

2.

The Board voted to have the OBCE’s Peer Review Committee (PRC) review Patient 1’s treatment and interview Licensee about the treatment he provided. The committee interviewed Licensee and his charts and found various violations as noted below.

3.

Review of Patient 1's charts show the requirements for telemedicine visits, particularly the start and end times of the treatments, were not provided. There is no phone log, or electronic communications log, as is required. In addition, Licensee does not meet the requirements for PARQ of the patient by documenting informed consent for the treatment. Licensee's "Gerson Therapy Eligibility Criteria Form" put a significant amount of responsibility of the relationship on the patient, rather than the chiropractic physician. The form did not meet PARQ requirements of OAR 811-035-0005(2)(a)-(b). The PRC found this to be a possible violation of OAR 811-15-0066.

4.

In providing treatment to Patient 1, Licensee admitted that Patient 1's labs fluctuated. The lab work that Licensee required of Patient 1 did not show improvement with the treatment Licensee provided. Yet, Licensee kept providing the treatment to Patient 1. Licensee failed to provide clinical analysis of treatment planning of Patient 1, as it was not provided in the patient chart. A specific test that Licensee stated needed to be done with Patient 1 in order to assure treatment, called the RGCC test, was never provided to the patient. Failure to perform the RGCC test is not explained in the patient chart. The patient records do not provide clinical analysis as to why certain tests were requested yet others were not. The treatment provided and patient chart notes do not meet minimal competency under ORS 684.100(1)(f)(A) and (B) and OAR 811-015-0005(1)(a)-(c)(A), (B) and (C).

5.

While treating Patient 1, Licensee stated that he considers bloodwork, imaging, and the Karnofsky scale in order to measure outcomes. With Patient 1, the Karnofsky scale was only used on initial intake and was never rechecked by Licensee. There is nothing in the record showing ongoing assessment and evaluation of the therapy and whether the patient had improved. The PRC and Board found that Patient 1 didn't show any improvement, yet Licensee did not reassess or reevaluate and make appropriate adjustments in the treatment plan.

This patient had blood tests, but Licensee admitted to the PRC that blood tests alone were not enough to manage the patient with this therapy. There were other methods of assessing and determining the course of care beyond the lab results, but Licensee failed to utilize those.

The PRC and Board found that Licensee's treatment of this patient was below the standard of care. Licensee utilized a packaged system or named approach but did not review specific patient improvements or do any ongoing assessments of the patient and continued treatment over a long period of time. Although a number of data points are gathered about a patient, it was not apparent to the PRC or the Board what information is important, what information is to be dismissed, what the targets are to show improvement, and how to know if a patient is benefitting from the treatment. This violates ORS 684.100(1)(f)(A) and (B), OAR 811-015-0010(1)-(4), and OAR 811-035-0005(1).

6.

In Licensee's web advertisements, his professional title as a Doctor of Chiropractic is not consistently or clearly displayed in headers, footers, letterhead, or other communications. Licensee refers to himself primarily as a CPG or Certified Gerson Practitioner in many communications with Patient 1. Licensee claimed to the PRC that he "doesn't do chiropractic anymore, he does Gerson Therapy." However, he is utilizing his chiropractic license in order to call himself a doctor and in order to promote the Gerson Therapy services, thus, he is required to be truthful in his advertisements and how he represents himself. Licensee cannot pick and choose when he wants to put his credentials as a licensed chiropractor in his advertisements and information provided to patients.

Licensee's advertising violates the Doctor's Title Act in ORS 676.110(2) and ORS 684.100(1)(i) and (j).

7.

On June 9, 2020, Licensee was served with the Proposed Notice of Disciplinary Action by the Board. In that notice, Licensee was notified that if he did not request a hearing within 30 days, a default order would be issued. Licensee was also notified that the Board would use the record of the Board as prima facie evidence to support the default. Licensee did not timely request a hearing and is now in default.

#### ORDER

8.

Due to the aforementioned violations as noted in paragraphs 1-7 above, the OBCE finds Licensee in violation of the above cited statutes and rules and orders the following:

- A. Licensee is publicly reprimanded by the Board.
- B. Licensee is required to complete 2 hours of continuing education in recordkeeping and documentation and 2 hours of continuing education in telehealth medicine, all to be completed within 90 days this order becomes final. This required continuing education is in addition to the education required for licensure. Licensee is responsible to provide verification of continuing education attendance to the Board.

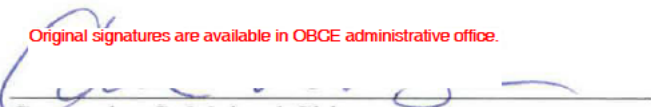
- C. Licensee shall also reimburse the costs to the Board for legal fees from the Department of Justice. There has been a total of 4.2 hours of DOJ time charged to the Board at \$218 per hour for a total of \$915. That amount is payable to the Board within 90 days and is subject to collection if unpaid.
- D. Failure to abide by the terms as stated above, could result in further discipline, up to and including revocation.

DATED this <sup>30<sup>th</sup></sup> day of July, 2020.

**BOARD OF CHIROPRACTIC EXAMINERS**  
State of Oregon

By:

Original signatures are available in OBCE administrative office.

  
Cassandra C. Mcleod-Skinner J.D.  
Executive Director

VERIFICATION

State of Oregon )  
County of Marion ) Case # 2019-1010 et al

I, Cassandra C. McLeod-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 available in OBCE administrative office.

*[Handwritten signature]*

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

SUBSCRIBED AND SWORN to before me  
this 30<sup>th</sup> day of July, 2020.

Original signatures are available in OBCE administrative office.

*[Handwritten signature]*

NOTARY PUBLIC FOR OREGON  
My Commission Expires: 02/22/21

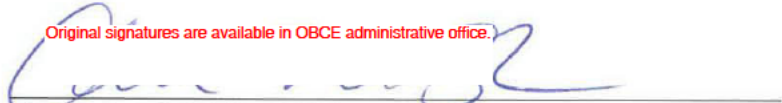


**CERTIFICATE OF SERVICE**

I, Cassandra C. McLeod-Skinner, certify that on July 30, 2020, I served the foregoing Final Default Order upon Licensee, the party hereto, by email and by mailing, regular mail, postage prepaid, a true, exact and full copy thereof to:

Miven Donato DC  
PO Box 4030  
Medford, OR 97501  
[Drdonato@pm.me](mailto:Drdonato@pm.me)

Original signatures are available in OBCE administrative office.



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