

**BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON**

In the Matter of)	
)	
Steven Ellsworth, D.C.)	STIPULATED FINAL ORDER
License No.: 2338)	
)	
Respondent.)	Case #2011-3011
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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. Steven Ellsworth, D.C. (hereafter "Respondent"), is a licensed chiropractic physician in Oregon.

Summary of Facts

1.

The Board became aware of issues surrounding Licensee's practice from a complaint filed regarding inappropriate sexual behavior towards a patient and unprofessional behavior in the clinic setting. An investigation began and revealed the following:

1. Licensee had several arrests and convictions that he failed to disclose to the Board in his renewal applications. On his renewal of 1/30/06 Licensee answered "NO" to the question regarding conviction of a misdemeanor or felony in the past 12 months when his arrest was 10/11/05 and diversion on 10/14/05 occurred. (2005 DUI, 1992 eluding the Police and filing a false Police Report).

2. Patient 1 filed suit against Licensee for inappropriate touching, stating that conversations with Licensee were sexual in nature and that he had requested her to do inappropriate things during examination.

3. Staff 1 stated that Licensee had involved her in a scheme to falsify a police report which resulted in Licensee's arrest and incarceration. Staff also alleged inappropriate sexual behavior occurring in the clinic setting which she witnessed. She also witnessed drug use by Licensee. Other staff indicated that Licensee initiated a scheme to have a fee splitting arrangement with them and Licensee.

4. Patient 2 said she was the victim of inappropriate grouping and intimidation and was frightened by Licensee during treatments. The Board investigation revealed consistent presentation of sexually inappropriate behavior and unprofessional conduct in the clinic setting with both employees and patients.

Patient 2 was billed by Licensee to insurance \$120 for a cervical pillow that was purchased by Licensee for \$20.

5. Licensee allowed staff to use ultrasound treatment on patients without them being adequately trained or certified. Licensee did not provide charts to patients when they requested them.

6. A board review of patient records revealed instances of billing for services that were not provided and misrepresentation in treatment for the "pro adjuster" to Patient 3. In review of 21 different patient records, documentation and clinical justification and rationale for treatment and services is lacking.

7. Licensee failed to get the Pro Adjuster as an approved procedure in chiropractic through the Board as required and advertised that the Pro Adjuster was designed and backed by NASA, a claim that was not supportable by evidence.

8. Investigation revealed that Licensee told Patient 4 to discontinue her anti-depressant medication and he would treat her depression with cervical adjusting. Licensee did not consult with Patient 4's regular physician.

9. While treating Patient 5, Licensee attempted to borrow funds from Patient 5.

Conclusions of Law

2.

The Board finds that the acts and conduct of licensee described above constitutes unprofessional conduct and are in violation of ORS 684.100(1)(f)(A) and OAR 811-035-0015(l)(a), (2) (3), (4), (5), (8), (10), (12) and (24), 811-015-0005(l)(a)(b), 811-015-0006(1), 811-015-0010(1), 811-015-0070, 811-015-0045(l)(a), 811-035-0005(1)(2).

3.

Stipulations

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


1. Pursuant to ORS 183.415(5) the Board and Licensee agree to informally dispose of and settle this matter.
2. Licensee stipulates that he has been advised of his right to request a hearing in this matter pursuant to ORS 183.415(2)(a), and to be represented at hearing pursuant to ORS 183.315(3).
3. Licensee waives his right to a hearing in this matter.
4. Licensee agrees to surrender his license or any right to his license in the State of Oregon, effective upon final signature of this order.
5. Licensee further agrees to never reapply for licensure with the Board in the State of Oregon.
6. The Licensee may continue to collect on past due accounts for the chiropractic practice and have access to medical files for billing purposes only for dates up to July 18, 2011 when Licensee ceased treatment at the office. Licensee can not practice chiropractic

5. Licensee further agrees to never reapply for licensure with the Board in the State of Oregon.
6. The Licensee may continue to collect on past due accounts for the chiropractic practice and have access to medical files for billing purposes and for completion of documentation only for care provided prior to July 18, 2011 when Licensee ceased treatment at the office. Licensee cannot practice chiropractic which includes but is not limited to providing treatment to patients, writing medical reports or charts, or billing for any treatment beyond the date above.
7. Licensee agrees that patient's files will be immediately in the possession of a licensed Oregon chiropractor and will provide written confirmation of that licensee to the Board.
8. The stipulated Final Order memorializes the entire agreement between Licensee and the Board and supercedes all prior offers, negotiations or settlement discussions.

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

IT IS SO ORDERED effective later date below.


Steven Ellsworth, D.C., Licensee
Date:


Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners
Date: November 1, 2011