

BEFORE THE  
BOARD OF CHIROPRACTIC EXAMINERS  
STATE OF OREGON

In the Matter of	)	
	)	Case # 2021-3016
Joshua Fine,	)	
	)	
	)	<b>DEFAULT FINAL ORDER</b>
Respondent	)	
_____	)	

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. During all times relevant to this proceeding, Joshua Fine was licensed as a Chiropractic Physician with the Board. His license has since been revoked.

**Findings of Fact**

1. On June 22, 2022, the Board filed a Proposed Notice of Discipline and mailed it by certified mail to Respondent at the appropriate address. That notice provided that the Board file would be used as the record for purposes of default. That notice also notified Respondent that they needed to ask for a hearing within 30 days. Respondent has not timely requested a hearing and is now in default.
2. A chiropractic physician in the State of Oregon is expected to maintain appropriate professional boundaries with patients at all times. Chiropractic physicians are prohibited from engaging in sexual relations with a patient unless a consensual sexual relationship existed between

them before the commencement of the doctor-patient relationship.

3. On or about October 2019, Respondent, while licensed and at a treatment visit, engaged in sexual intercourse with a patient at Respondent's office.

### **Conclusions of Law**

Engaging in sexual intercourse with a current patient is unprofessional conduct under OAR 811-035-0015(1)(b), (c), (d) & (e). This is grounds for discipline under ORS 684.100(1)(f). The Board finds Respondent engaged in unprofessional conduct and committed violations of OAR 811-035-0015(1)(b), (c), (d) & (e) with patients 1-4 as described above. For these violations, the Board will assess an \$5,000 total civil penalty

### **Final Order**

The Board hereby assess an \$5,000 total civil penalty. Pursuant to ORS 293.231 the Board will refer the amounts owed to collection if it has received no payment on the account for more than 90 days after it becomes due and payable by operation of law or on appeal. Thereafter, the Board will consider assignment to the Oregon Department of Revenue or a private collection agency for collection. Final fees may include additional percentages of any increase in the amount Respondent owes due to the accrual of interest on the unpaid principal amount.

DATED this 4th day of August, 2022.

### **BOARD OF CHIROPRACTIC EXAMINERS** State of Oregon

By: Signature on file in the OBCE office.  
Cassandra C. McLeod-Skinner, J. D.  
Executive Director

Appeal Rights:

You are entitled to judicial review of this order in accordance with ORS Chapter 183.480.

You may request judicial review by filing a petition in the Court of Appeals in Salem, Oregon within 60 days from the date of this order.

**CERTIFICATE OF SERVICE**

I, Cassandra McLeod-Skinner, certify that on August   4  , 2022, I served the foregoing Default Order, on the party hereto, by email and by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Joshua Fine



Signature on file in the OBCE office.

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

BEFORE THE  
BOARD OF CHIROPRACTIC EXAMINERS  
STATE OF OREGON

In the Matter of	)	
	)	<b>Case # 2021-3016</b>
	)	
	)	
Joshua Fine, D.C.,	)	<b>NOTICE OF</b>
	)	<b>PROPOSED DISCIPLINE</b>
Respondent	)	
_____	)	

The Oregon Board of Chiropractic Examiners (Board or OBCE) is the state agency responsible for licensing, regulating, and disciplining chiropractic physicians in the State of Oregon. On March 2, 2022, the Board issued a default final order revoking the license of Joshua Fine, D.C. (Respondent) in joint case # 2020-1034 and 2020-5018 and fining Respondent \$8,000 in total civil penalty. The conduct described below occurred while he was licensed with the Board. The Board finds that Respondent should be disciplined based on the following.

**Findings of Facts**

Patient began treatment in August 2019 with Respondent. On or about October 2019, Patient and Licensee, at a treatment visit, engaged in sexual intercourse at Respondent's office. Respondent admitted to such conduct in his response to the Board.

**Conclusions of Law**

Engaging in sexual intercourse with a current patient is considered unprofessional conduct under OAR 811-035-0015(1)(b), (c), (d) & (e). This is grounds for discipline under ORS 684.100(1)(f). For this violation, the Board proposes to assess a \$5,000 civil penalty.

### **Proposed Order**

The Board hereby assesses a \$5,000 total civil penalty against Respondent, to be paid within 120 days of the order becoming final. Pursuant to ORS 293.231 the Board will refer the amounts owed to collection if it has received no payment on the account for more than 90 days. Thereafter, the Board will consider assignment to the Oregon Department of Revenue or a private collection agency for collection. Final fees may include additional percentages of any increase in the amount Respondent owes due to the accrual of interest on the unpaid principal amount.

The Board will assess against Respondent all of the Board's costs of this disciplinary process and action, including but not limited to all legal costs from the Department of Justice, all hearing costs from the Office of Administrative hearings, all costs associated with any expert or witness, and all administrative costs specific to this proceeding, in an amount not to exceed \$75,000, pursuant to ORS 684.100(9)(g), in addition to any interest accrued at the legal rate allowed and any and all costs related to collections.

### **NOTICE OF HEARING RIGHTS**

Respondent has the right, if Respondent requests, to have a formal contested case hearing before the OBCE or the Administrative Law Judge to contest the matter set out above. At the hearing, Respondent 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 30 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.

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

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

If Respondent fails to request a hearing within 30 days, or fails to appear as scheduled at the hearing, the OBCE may issue a final order by default and impose the above sanctions against Licensee. Upon default order of the Board or failure to appear, the contents of the Board's file regarding the subject of this automatically become part of the evidentiary record of this disciplinary action upon default for the purpose of proving a prima facie case.

**NOTICE TO ACTIVE DUTY SERVICEMEMBERS:**

Active duty service members have a right to stay these proceedings under the federal Service Members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the

nearest United States Armed Forces Legal Assistance Office through  
<http://legalassistance.law.af.mil>.

DATED this 22nd day of June, 2022.

**BOARD OF CHIROPRACTIC EXAMINERS**  
State of Oregon

Signature on file in the OBCE office.

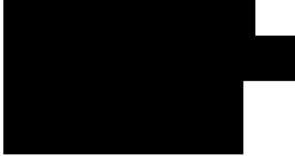
By: \_\_\_\_\_  
Cassandra C. McLeod-Skinner, J.D.,  
Executive Director



**CERTIFICATE OF SERVICE**

I, Cassandra C. McLeod-Skinner, certify that on June 22, 2022, I served the foregoing Notice of Proposed Discipline upon Respondent, the party hereto, by mailing, postage prepaid, and by email, a true, exact and full copy thereof to:

Joshua Fine



Signature on file in the OBCE office.

\_\_\_\_\_  
Cassandra C. McLeod-Skinner, JD  
Executive Director  
Oregon Board of Chiropractic Examiners

