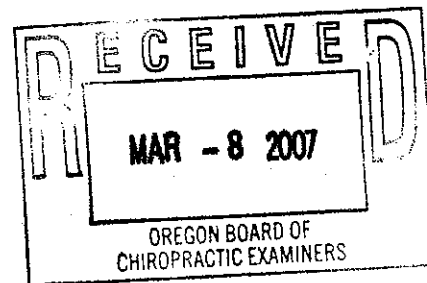


BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON



In the Matter of

Theodore Forcum III D.C.
License No; 2468

Licensee.

)
) **STIPULATED FINAL**
) **ORDER**
)
)
) **Case # 2005-3003**
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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. Theodore Forcum III D.C. (hereafter "Licensee"), is a licensed chiropractic physician in Oregon.

Findings of Fact

1.

In March of 2005, Employee 1 of Licensee made an error in processing an order for orthotics Licensee had assigned to her. When she inquired if she had done it correctly and Licensee had discovered the error, Licensee told Employee 1 of the error and then slapped her on the forehead. Employee 1 was stunned and said "that's not very nice." Since her employment from September 2003 through March 2005, Employee 1 believed Licensee treated staff and patients in an abusive and unprofessional manner, including physical and verbal abuse.

2.

During the spring of 2005, Employee 1 witnessed Licensee tell a male patient that he was going to have Employee 1 spank him. This made Employee 1 very uncomfortable since it was in front of another patient and during her duties as an employee.

3.

Employee/Patient 2 also was a patient of Licensee's and a coworker of Employee 1. Employee/Patient 2 witnessed Licensee's abusive, disrespectful and rude behavior toward staff and patients. Employee/Patient 2 witnessed Licensee slap Employee 1 on the head. Licensee has taken Employee/Patient 2 and other staff members by the shoulder or upper arm when angry or upset causing each discomfort, embarrassment and pain. Employee/Patient 2 witnessed Licensee making sexual comments to staff and about staff and in front of patients that were embarrassing to Employee/Patient 2 and other staff members. Although spoken to by staff on occasion Licensee persisted in that behavior and appeared to be annoyed by their complaints.

Employee/Patient 2 was working nearby and over heard Licensee's comments to a male patient that Employee 1 was supposed to give the male patient a "spanking." Employee/Patient 2 recalls Employee 1 being extremely embarrassed and upset by Licensee's comments. Employee/Patient 2 also observed Licensee touching Employee 1 in ways that Employee/Patient 2 believed to be unnecessary and possibly inappropriate which caused Employee 1 discomfort and embarrassment.

4.

Employee/Patient 3 was a patient of Licensee on two occasions and a co-worker of Employee 1 and Employee/Patient 2. Employee/Patient 3 worked in Licensee's clinic for two years as the office manager. Employee/Patient 3 stated Licensee was verbally abusive to his staff and some patients. Employee/Patient 3 did not see Licensee slap Employee 1 on the head, but has seen Licensee do that to others in the clinic and stated that "Employee 1 came to her right it after happened and she arranged a meeting between Employee 1 and Licensee."

Conclusions of Law

5.

The Board finds that Licensee's conduct as described herein constitutes unprofessional conduct. Licensee's practice, as described above, constitutes violations of ORS 684.100 (1)(g)(A); and OAR 811-035-0015(6).

Stipulations

6.

Therefore, pursuant to ORS 183.415(5) and ORS 684.100(9)(e) the OBCE orders:

1. The parties have agreed to enter this stipulated final order. Licensee agrees to the entering of this final order. Licensee agrees that he is aware of his right to a hearing with his attorney present to contest the charges and hereby waives that right and agrees to entry of this order. The signature of this order also waives any right to appeal. The parties wish to settle and resolve the above matter without further proceedings.
2. Licensee will agree to be on probation for a period of two years from the date of this final order.
3. Licensee agrees to attend anger management counseling with a board approved appointed counselor at Licensee's expense. The Board agrees that the counselor can determine the nature and length of the program required. Licensee will be required to abide by the counselors recommendations and complete the treatment recommendations of the counselor. Licensee will cooperate with and provide authorization for the counselor to provide quarterly reports from the counselor directly to the Board.

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of

Theodore Forcum III D.C.
License No; 2468

Licensee.

)
) **NOTICE OF PROPOSED**
) **DISCIPLINARY ACTION**
)
) **Case # 2005-3003**

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. Theodore Forcum III D.C. (hereafter "Licensee"), is a licensed chiropractic physician in Oregon. The Board proposes to discipline Licensee for the following reasons:

1.

In March of 2005, Patient 1 who was also a coworker of Licensee, was doing a task the Licensee had assigned to her and showing him what she had done. When she inquired if she had done it correctly, Licensee stated "no" and then slapped her on the forehead. Patient 1 was stunned and said "that's not very nice." Patient 1 was humiliated, embarrassed and angry that that had occurred. Since her employment from September 2003 through March 2005, Patient 1 was treated and witnessed Licensee treat staff and patients in an abusive and unprofessional manner, including physical and verbal abuse.

2.

During the spring of 2005, Patient 1 witnessed Licensee tell a male patient that he was going to have Patient 1 spank him. This made Patient 1 very uncomfortable since it was in front of another patient and during her duties as a coworker.

During the investigation Licensee admitted that although Patient 1 was treated as a patient in the Licensee's clinic, there was no record of any patient charts for this patient except those for acupuncture services provided.

3.

Patient 2 also was a patient of Licensee's and a coworker of Patient 1. Patient 2 witnessed Licensee's abusive, disrespectful and rude behavior toward staff and patients. Patient 2 witnessed Licensee slap Patient 1 and other staff members on the head when angry. Licensee has often grabbed Patient 2 and other staff members by the shoulder or upper arm when angry or upset causing each discomfort, embarrassment and pain. Patient 2 witnessed Licensee

constantly making sexual comments to staff and about staff and in front of patients. This was embarrassing to Patient 2, the other staff members and to patients. Although spoken to by staff on many occasions Licensee persisted in that behavior and appeared to be annoyed by their complaints. Patient 2 was working nearby and over heard Licensee's comments to a male patient that Patient 1 was supposed to give the male patient a spanking. Patient 2 recalls Patient 1 being extremely embarrassed and upset by Licensee's comments. Patient 2 also observed that the Licensee was always touching Patient 1 in ways that Patient 2 believed to be unnecessary and possibly inappropriate; and which caused Patient 1 discomfort and embarrassment.

4.

Patient 3 was also a patient of Licensee and a co-worker of Patient 1 and Patient 2. Patient 3 worked in Licensee's clinic for two years as the office manager. Patient 3 stated Licensee was verbally abusive of his staff and some patients. Patient 1 was working nearby and over-heard the Licensee tell a male patient that he was going to have Patient 1 give him a spanking that day, because it was the patient's birthday. Patient 3 did not see Licensee slap Patient 1 on the head, but has seen him do that to several others in the clinic and said Patient 1 came to her right it after happened and she arranged a meeting between them."

5.

The Board finds that Licensee's conduct as described herein constitutes unprofessional conduct. Licensee's practice, as described above, constitutes violations of ORS 684.100 (1)(g)(A); and OAR 811-035-0015 and OAR 811-035-0015(6). Failure to keep a patient chart on a patient is a violation of OAR 811-015-0005(1).

6.

Due to the aforementioned violations, the OBCE proposes to issue a Letter of Reprimand to Licensee, place Licensee on probation for two years, require board approved anger management training and counseling for a period of not less than one year with no less than one visit per month with quarterly reporting to the Board, and require Licensee to abide by the recommendations of the counselor. Licensee must provide the proper release to the counselor to authorize the counselor's reporting to the Board.

7.

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 Administrative Law Judge 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 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.

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 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.

10.

If Licensee requests a hearing, before commencement of that hearing, Licensee 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.

11.

If Licensee 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.

Dated December 1, 2006.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signature on file
at the OBCE office.

By:

Dave McTeague
Executive Director

State of Oregon) Case # 2005-3003
County of Marion) Theodore Forcum III D.C.

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

Original signature on file
at the OBCE office.

Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

SUBSCRIBED AND SWORN to before me

this 1 day of Dec, 2006

Original signature on file
at the OBCE office.

NOTARY PUBLIC FOR OREGON
My Commission Expires: 11-5-08



Certificate of Service

I, Dave McTeague, certify that on December 1, 2006, I served the foregoing Notice of Proposed Disciplinary Action upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Theodore Forcum III D.C.
11385 SW Scholls Ferry Rd
Beaverton, Oregon 97008

Original signature on file
at the OBCE office.

~~Dave McTeague~~
Executive Director
Oregon Board of Chiropractic Examiners