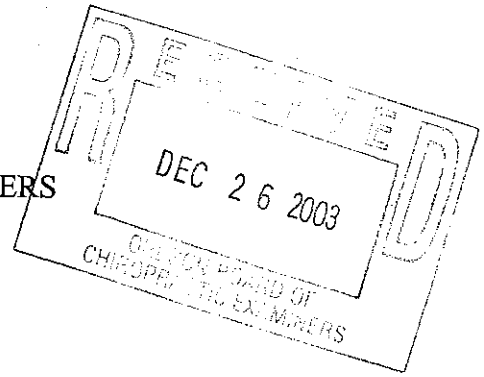


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BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON



10 In the Matter of

11
12 BENJAMIN GIFFORD, D.C.,
13 License No.: 1714

14) Case # 2002-1031

15) Stipulated Final Order

16 The Oregon Board of Chiropractic Examiners (hereafter "Board") is the state agency
17 responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon.
18 Benjamin Gifford, D.C. (hereafter "Licensee"), is currently licensed by the Board to practice as a
19 chiropractic physician in Oregon and is subject to the jurisdiction of the OBCE. The Board has
20 determined as follows:

21 1.

22 On September 11, 2002, the OBCE received a complaint alleging inappropriate behavior
23 and boundary violations toward a young female patient. Licensee allegedly offered employment to
24 the patient, developed a fixation on the patient and made repeated trips to her place of residence,
25 over her objections, to provide chiropractic care. Patient had to request that Licensee stop touching
26 her and stop putting his arms around her. Licensee has had previous complaints related to
27 boundary violations.

28 2.

29 Licensee has an extensive history with manic depression and a diagnosis of bi-polar. On
30 August 6, 2003, the Board ordered Licensee to undergo a psychiatric examination with Dr. Holfeldt
31 to determine Licensee's mental fitness to practice chiropractic with reasonable skill and safety to
32 patients.

1 Findings of Fact

2 3.

3 The Board finds that he has a long history of various psychiatric disorders. Licensee does
4 not admit or deny this finding by the Board.

5 Conclusions of Law

6 4.

7 The above described conduct of Licensee violates ORS 684.100(1)(g)(A) and, OAR 811-
8 035-0015(1)(a).

9 Stipulated Final Order

10 5.

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

- 12 1. The parties have agreed to enter this stipulated final order. As part of this Order, Licensee
13 agrees to provide authorization for medical and treatment records to the Board and will execute
14 the attached Consent for Release of Confidential Information. Licensee agrees that he is aware
15 of his right to a hearing with his attorney present to contest the charges and hereby waives that
16 right and agrees to entry of this order. The parties wish to settle and resolve the above matter
17 without further proceedings.
- 18 2. Licensee's license to practice chiropractic is suspended for 60 days from the date this order is
19 signed. The suspension is stayed as long as the other requirements of this stipulated order are
20 followed.
- 21 3. Licensee will have a permanent license restriction with the following requirements:
- 22 a. Licensee will maintain monthly contact with his treating psychiatrist Dr. Mead.
 - 23 b. Licensee will instruct Dr. Mead to provide quarterly reports to the Board regarding
24 compliance of treatment and verifying Licensee's mood stability.
 - 25 c. Licensee and his spouse will sign a contract whereby they agree to contact Dr. Mead at
26 the earliest sign of a relapse of Bipolar Affective Disorder. If symptoms such as poor

1 sleep, impulsivity, excessive spending, hyperveralization, euphoria, grandiosity, easy
2 distractability, risk-taking behavior or racing mind occur, Licensee agrees to contact Dr.
3 Mead immediately.

4 d. Licensee will have independent psychiatric supervision by Dr. Holfeldt. Dr. Holfeldt
5 will provide quarterly independent reports to the Board and will ensure adherence to the
6 above relapse prevention plan and make any suggestions to modify the plan as
7 indicated.

8 e. Licensee agrees to complete a survey questionnaire on a monthly basis for Dr. Holfeldt
9 to review. Dr. Holfeldt will review the surveys, monitor treatment compliance, query
10 Licensee regarding clear physician-client boundaries being maintained and will provide
11 quarterly feedback to the Board.

12 4. The above conditions will be permanent requirements on Licensee's license unless he is
13 released by psychiatric care as documented by the supervising psychiatrist. If the supervising
14 psychiatrist releases licensee from treatment, the Board has the opportunity to review that
15 decision by a psychiatric evaluator of their choice prior to removal of those restrictions.

16 5. Licensee shall participate, cooperate and successfully complete all phases of all treatment plans
17 recommended by the above providers. The treatment cost will be the responsibility of
18 Licensee.

19 6. Licensee shall instruct all of the professionals participating in his treatment plan to promptly
20 respond to the Board of Chiropractic Examiners inquiry concerning Licensee's compliance with
21 the treatment plan and to immediately report to the Board any serious failure to fully
22 participate by Licensee.

23 7. Licensee waives all privilege with respect to any physical, psychiatric or psychological
24 evaluation or treatment in favor of the Board for purposes of determine compliance with this
25 Order, or the need to, or the appropriateness of, modifying this Order, and will execute any
26 waiver or release the board requests.

1 8. If Licensee violates any of the terms of this order, the Board may, after Notice and Hearing,
2 enter further disciplinary orders.

3 9. This order is effective on the date signed by the Board.

4
5 IT IS SO ORDERED this 31st day of December, 2003.

6
7 **BOARD OF CHIROPRACTIC EXAMINERS**
State of Oregon

8 Original signature on file
9 at the OBCE office.
By: Dave McTeague Executive Director 12-31-03

10
11 Original signature on file
12 at the OBCE office. OC
By: Benjamin Gifford D.C., Licensee

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14 12-23-03
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