



Oregon

John A. Kitzhaber, M.D., Governor

Oregon Board of Chiropractic Examiners

3218 Pringle Road SE

Suite 150

Salem, OR 97302-6311

(503) 378-5816

October 30, 1998

Steven B. Gould, DC
9900 SW Greenburg Rd., Ste 225
Tigard, Oregon 97223

Re: Case # ~~98-4000~~ ⁹⁸⁻²⁰⁰² Final Order

Dear Dr. Gould,

The Oregon Board of Chiropractic Examiners reviewed your further response at their September 24th meeting. They voted to issue this Final Order and Letter of Reprimand.

They took note that you did not request a contested case hearing as provided in the proposed notice of discipline. On or about August 27, 1998 you called this office and requested additional time to respond to the OBCE's notice, a request which I granted. During that phone call I again informed you that you needed to request a hearing along with your further response in order to preserve your right to hearing or further appeal.

This concludes the Board's action on this matter. If you have any questions, please give me a call.

Sincerely,

Dave McTeague
Executive Director

enclosures



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Steven B. Gould, DC
9900 SW Greenburg Rd., Ste 225
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Re: Case # ²⁰⁰²98-~~4000~~
Letter of Reprimand

Dear Dr. Gould,

The Oregon Board of Chiropractic Examiners (OBCE) voted to issue this Letter of Reprimand at their September 24, 1998 meeting for numerous violations of the administrative rules relating to advertising.

You violated ORS 684.100 (1)(j) by failing to demonstrate and substantiate numerous claims made in a five-page document entitled "Auto Accident Victims Special Report."

You also violated ORS 684.100 (1) (k) & (m), and OAR 811-015-0045 (1) (b) by professing a greater skill than other doctors and that your claim of superiority of treatment or diagnosis was not conclusively proven to the satisfaction of the OBCE by claiming:

I BELIEVE THAT I AM ONE OF THE ONLY DOCTORS WHO HAS THE
TRAINING AND STATE-OF-THE ART EQUIPMENT TO TREAT SOFT
TISSUE INJURIES CORRECTLY AND PROFESSIONALLY.

The Board also requires you immediately correct all advertising and come into full compliance with all statutes and rules relating to chiropractic services in Oregon.

Sincerely,

Dave McTeague
Executive Director

1 BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS
2 FOR THE STATE OF OREGON

3 In the Matter of the License to Practice)
4 as a Chiropractic Physician of:) FILE NO. 98-²⁰⁰²~~4980~~
5 STEVEN GOULD, D.C.,) FINAL ORDER
6 Licensee.)
_____)

7 1. On or about August 17, 1998, the Board of Chiropractic
8 Examiners ("Board" or "OBCE") served upon the Licensee by
9 certified mail notice that the Board intended to issue a Letter of
10 Reprimand upon its licensee, Steven Gould, D.C., ("Licensee"), and
11 require corrections to advertising and compliance with all
12 advertising statutes and rules, and to pay the costs associated
13 with the disciplinary proceeding. Exhibit A.

14 2. In the notice, the OBCE informed Licensee that he must
15 file with the Board within 21 days of mailing a written request
16 for hearing and answer, otherwise he would waive his right to
17 hearing and be presumed to have admitted all the OBCE's
18 allegations of fact.

19 3. On or about August 27, 1998, Licensee telephoned and
20 requested additional time to respond to the OBCE's notice. The
21 OBCE's Executive Director informed Licensee that Licensee needed
22 to specifically request a hearing along with his response, and, on
23 behalf of the OBCE, granted Licensee an extension until September
24 14, 1998, to file an answer and a request for hearing.

25 4. On or about September 10, 1998, Licensee filed an answer
26 to the OBCE's notice which was received at the OBCE's office on

1 September 14, 1998. Exhibit B. Licensee responded to each
2 allegation asserted by the OBCE in its notice, and requested the
3 OBCE to issue a verbal warning and to place Licensee on notice
4 that further violations would not be tolerated. Id. Licensee did
5 not request a hearing.

6 5. On September 24, 1998, at its regularly scheduled board
7 meeting, the OBCE reviewed the file and discussed the information
8 contained in Licensee's answer, Licensee's request regarding
9 sanctions, and Licensee's failure to request a hearing.

10 NOW THEREFORE, after consideration of the records and files
11 of the Board regarding this matter the Board ORDERS the following
12 findings and conclusions of law:

13 6. Licensee violated ORS 684.100(1)(j) in that Licensee
14 failed to demonstrate and substantiate the accuracy of the
15 following statements that were advertised in a five-page document
16 entitled "Auto Accident Victims Special Report":

17 a) "Most insurance companies would rather you not
18 know this information."

19 b) "Did you know that one of the most stressful
20 aspects of living in modern life is dealing with the problems that
21 arise after an auto accident?"

22 c) "Were you also aware that most auto accident
23 injuries are hidden and seldom detected for months, even years?"

24 d) "Why? Because a lot of accident victims receive
25 inadequate care from either the hospital or medical doctor. They
26 receive pain medication or muscle and are released from care."

1 e) "Most (medical) doctors are not trained in the
2 detection of these hidden injuries."

3 f) "You also need to know that most doctors are not
4 trained in effectively and properly treating soft tissue
5 injuries."

6 g) "Soft tissue injuries are usually more dangerous than
7 even a broken bones."

8 h) "If any of these problems (28 symptoms listed on
9 Page 4.) started after your accident, then you have suffered a
10 soft tissue injury and it can get worse."

11 i) "it may be weeks, months, or even years before you
12 get spinal decay, numbness of arms and/or legs, nerve problems and
13 even arthritis."

14 j) "I BELIEVE THAT I AM ONE OF THE ONLY DOCTORS WHO
15 HAS THE TRAINING AND STATE-OF-THE-ART EQUIPMENT TO TREAT SOFT
16 TISSUE INJURIES CORRECTLY AND PROFESSIONALLY."

17 7. Licensee violated OAR 811-015-0010 & OAR 811-010-095 for
18 the following statement that was advertised in a five-page
19 document entitled "Auto Accident Victims Special Report":

20 If any of these problems (28 symptoms listed on Page 4.)
21 started after your accident, then you have suffered a
soft tissue injury and it can get worse.

22 Licensee could not possibly come to this conclusion and formulate
23 a specific diagnoses in any specific case without first conducting
24 a history and examination

25 8. Licensee violated OAR 684.100 (1)(k) & (m), and OAR 811-
26 015-0045(1)(b) for the following statement that was advertised in

1 a five-page document entitled "Auto Accident Victims Special
2 Report":

3 I BELIEVE THAT I AM ONE OF THE ONLY DOCTORS WHO HAS THE
4 TRAINING AND STATE-OF-THE-ART EQUIPMENT TO TREAT SOFT
TISSUE INJURIES CORRECTLY AND PROFESSIONALLY.

5 Licensee has professed a greater skill than other doctors and that
6 Licensee's claim of superiority of treatment or diagnosis has not
7 been conclusively proven to the satisfaction of the OBCE.

8 NOW THEREFORE, PURSUANT TO ORS chapter 684:

9 A. The OBCE hereby issues a Letter of Reprimand to
10 Licensee; and

11 B. The OBCE hereby requires Licensee to immediately correct
12 all advertising and to come into full compliance with all statutes
13 and rules relating to the advertising of chiropractic services in
14 Oregon; and

15 C. The OBCE hereby orders Licensee to pay costs associated
16 with this disciplinary proceeding, including investigative costs
17 and attorney fees in the amount totalling \$263.00.

18 DATED this 30th day of October, 1998.

19 BOARD OF CHIROPRACTIC EXAMINERS
20 State of Oregon

21 Dave McTeague
Dave McTeague, Executive Director

22 Notice: You are entitled to judicial review of this Order.
23 Judicial review may be obtained by filing a petition for review
24 within 60 days from the service of this Order. Judicial review is
pursuant to the provisions of ORS 183.482 to the Oregon Court of
Appeals.

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