BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of	)	
	)	Case # 2018-1031
Ryan Gunyan, DC	)	
	)	FINAL DEFAULT ORDER
Licensee.	)	
	)	
	)	

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. Ryan Gunyan, DC (Licensee), is currently licensed by the Board to practice as a chiropractic physician in Oregon.

Findings of Fact

1. RECEIPT OF COMPLAINT

The Board received a complaint regarding Licensee's consultation provided to, and examination of, Patient 1. Patient 1 had sought analysis of specific diagnostic exams from Licensee. The Board found several deficiencies with Licensee's evaluation process, Licensee's reported understanding of clinical indications for diagnostic procedures, and the subsequent treatment plan provided by Licensee without benefit of physical examination.

2. PATIENT 1'S CONSULTATION WITH LICENSEE

On 10/22/2018, Patient 1 consulted with Licensee. Patient 1 had scheduled a "Lab Read Consultation and Plan of Care" appointment. Patient 1 was interested in having lab results interpreted by Licensee. Patient 1 had obtained a diagnostic test, known as a Dried Urine Test for Comprehensive Hormones DUTCH (Dutch Test). The Dutch Test is advertised as providing insight into sex, adrenal hormones, melatonin, and their various metabolites, offering insight into potential hormone imbalance.

Patient 1 is a 5'3" female weighing 175 pounds, born in 1990. She consulted with Licensee on 10/22/2018. Patient 1 sought analysis of diagnostic tests from Licensee in support of conception.

Patient 1 obtained the Dutch Test through Precision Analytical, Inc., which prepared a result based on samples provided by Patient 1, on 09/25/2018.

Patient's reported symptoms:

Patient 1 scheduled a "Lab Read Consultation and Plan of Care" appointment with Licensee for 10/22/2018. Patient 1 completed intake paperwork for this appointment. Patient 1 indicated that the

reasons for her visit included: "Hashimotos's, get pregnant, lose weight, gain energy, balance hormones." Patient 1further reported that she suffered from fatigue almost daily and rated this concern as "moderate/severe." In response to the form's question: "When was the last time you felt well?" Patient 1 indicated, "4 years ago, before 25 years old." The form asked: "Did something trigger your health changes?" to which Patient 1 responded "-stress –poor diet – anxiety."

At the appointment, Licensee collected a health history, consent for treatment, functional assessment questionnaire, and prior labs. In Licensee's 12/20/2018 letter to the Board, responding to notice of the complaint, Licensee reported having reviewed prior labs with the patient, concluding that she had "more of an immune systems problem that was ultimately effecting her hormones." Licensee moved on to assessment of the patient for "spinal trauma, toxicity, and emotional stress." Licensee's analysis led him to obtain x-rays of the patient, and evaluation for concerns around "spinal trauma" responsible for her inflammation. Following such an evaluation, Licensee explained that there would be a follow-up appointment with the patient where he would explain the test results, report of her x-ray findings, proposed treatment, rationale, and render treatment.

Licensee's examination of Patient 1

Licensee did not perform a physical examination of Patient 1. Licensee reviewed lab results from Quest Diagnostics and Precision Analytical Lab that Patient 1 provided to Licensee. In addition, Licensee reviewed Patient 1's intake paperwork and responses to the questions, "what are your life goals and where do you see yourself in the next 10 to 20 years?" To this question, Patient 1 answered: "healthy/energized, 40 lbs lighter/more fit, a mother."

Licensee ordered x-rays of Patient 1. Licensee took AP/Lateral Cervical, AP/Lateral Lumbar, Lateral Cervical-Neck Orthotic x-rays.

Licensee's assessment of Patient 1's "Immune systems response"

Licensee reported that, based on his review of Patient 1's thyroid testing, and Patient 1 reporting suffering from Hashimoto's thyroiditis, he suspected an autoimmune disease, further confirmed by the Dutch Test which reported high hormone levels.

Licensee assessed Patient 1 with:

> "Autoimmune related symptoms that are not only effecting her thyroid but also her steroid hormones therefore effecting her ability to get pregnant…spinal trauma primarily in the cervical region is possible trigger for patient to have sympathetic dominant response which could also be effecting digestion and GI function. High cortisol levels confirm that patient is under stress not only physically but also possibly from toxicity and emotional stress…"

Licensee further diagnosed Patient 1 with cervical, thoracic, and segmental dysfunction - conditions unrelated to her presenting complaints other than Licensee's theory of inflammation of the nervous system responsible for her immune response conditions and inability to conceive.

Licensee's Interview with the Board

The Board interviewed Licensee on 04/03/2019. Licensee's clinic is affiliated with a national practice management company that provides coaching and a practice focus philosophy. Licensee explained that this philosophy focused on what he described as the "three T's": "trauma, toxins, and thoughts." Licensee explained that his theory of diagnosis and treatment was interpreted through understanding the patient's chemical, emotional, and physical stresses. Licensee claimed that the diagnoses of spinal dysfunction came from an analysis of Patient 1's past health history rather than physical exam.

Licensee stated that it was his understanding that a chiropractor could not diagnose or treat any condition, rather, his care could only remove interference to the body's ability to heal itself.

On 07/11/2019, the Board served Licensee with the Proposed Notice of Discipline. In that Notice, Licensee was notified of the time period to timely request a hearing and the requirements of a default order. Licensee was notified if he did not request a hearing a default would be issued and the Board would rely on their record in this matter as prima facie evidence of violations. Licensee received the Notice of Proposed Discipline and failed to timely request a hearing. Licensee is in default.

Conclusions of Law

3. ADMINISTRATIVE RULES VIOLATED BY LICENSEE

Failure to Consult Primary Care Physician

Licensee indicated that his diagnoses/clinical impression of Patient 1 was based largely on her self-report of having Hashimoto's thyroiditis. Licensee did not verify this diagnosis in any manner, nor perform tests on Patient 1 to determine how that diagnosis may affect her. Patient 1 provided the name of her current treating physician/chiropractic physician. Licensee did not contact Patient 1's treating physician. In neglecting to consult with Patient 1's primary care physician/chiropractic physician, or perform any diagnostic testing to confirm or rule out Patient 1's self-reported conditions, the Board finds that Licensee did not gather the appropriate information to form differential diagnosis or clinical impression, in violation of ORS 684.100(1)(f)(A) and (B) and OAR 811-035-0001(3), which defines diagnosis under the OCPUG. These practice and utilization guidelines are summarized in the chiropractic management algorithm, which demonstrate that a chiropractic physician should first consult with the patient and obtain their history of present illness and then move on to a physical examination.

Failure to Conduct a Physical Exam to Support Radiology

Licensee took x-rays of Patient 1 before completing a physical examination of any sort. Licensee's documentation did not provide any clinical justification or rationale for the x-rays. During his interview with the Board, Licensee indicated that he determined x-rays were appropriate based on Patient 1's past health history. The Board finds that Licensee's failure to perform any manner of physical examination on Patient 1 resulted in him having insufficient clinical justification for ordering x-rays, in violation of OAR 811-015-0010, which requires that all initial examinations performed by a chiropractic physician to determine the need for chiropractic treatment of neuro-musculoskeletal conditions shall include a functional chiropractic analysis. The Board further finds that each of the x-

ray exposures that Licensee took of Patient 1 lacked clinical justification with adequate documentation consistent with the patient's case history, in violation of OAR 811-030-0030(2)(d).

Failure to document a PARQ and failure to document obtaining Patient consent

A chiropractic physician, licensed in the state of Oregon, is required to always make the health and welfare of the patient their first priority. Patients have the right to informed consent regarding examination, therapy and treatment procedures, risks and alternatives, and answers to questions with respect to the examination, therapy, and treatment procedures in terms that they can be reasonably be expected to understand. A chiropractic physician must obtain informed consent before treatment, explaining the examination procedure or treatment undertaken, alternatives, and risks.

The Board finds that Licensee's cursory review of Patient 1's self-reported conditions and previous laboratory tests, arbitrary ordering of radiology without benefit of physical evaluation to justify the radiology, coupled with failure to provide Patient 1 with risks or alternatives to treatment recommendations, are in violation of ORS 684.100(1)(f) (A) and (B) and OAR 811-035-0005(1), (2)(a), (b).

Licensee's failure to render a differential diagnosis or clinical impression on each of Patient 1's presenting complaints and reported symptoms could constitute a danger to the health or safety of the patient. A chiropractic physician, licensed in the state of Oregon, is required to perform an examination of a patient to provide clinical justification for specialized testing and before rendering a diagnosis or clinical impression, providing a PARQ, obtaining an informed consent, and prior to - making clinical recommendations or providing treatment. The Board finds that Licensee failed to examine or render a differential diagnosis or clinical impression regarding each of Patient 1's reported symptoms, in violation of ORS 684.100(1)(f) (A) and (B) and OAR 811-035-0001(3), which defines diagnosis under the OCPUG. These practice and utilization guidelines are summarized in the chiropractic management algorithm, which demonstrates that a chiropractic physician should first consult with the patient and obtain their history of present illness and then move on to a physical examination.

Medical Documentation

With regard to the treatment of Patient 1, Licensee failed to generate and maintain appropriate medical records. Chiropractic physicians, licensed in the state of Oregon, must maintain accurate records on all patients. The Board find that Licensee's failure to maintain appropriate medical records on -Patient 1 constitutes unprofessional conduct pursuant to OAR 811-015-0010(1)-(5).

4. ORDER

Due to the aforementioned violations, the OBCE issues the following discipline:

A. Licensee is required to take and successfully pass the SPEC test within six months after this order becomes final. If Licensee does not pass SPEC, his license will be suspended until he passes the exam;

B. Licensee is required to provide 3 file pulls, with a minimum of 3 files each, within 12 months of passing SPEC. The Board has the discretion to request the files and assure that they are random in nature;

C. Licensee is fined a total of $5,000 in civil penalties. Civil penalties will be due within 30 days from the date this order is 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 you owe due to the accrual of interest on the unpaid principal amount, and any and all collection fees and costs; and

D. Failure to abide by the terms as stated above could result in further discipline, up to and including revocation.

DATED this 28th day of October, 2019.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signatures are on file in OBCE administrative office.

By: _____
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.

VERIFICATION

State of Oregon)
County of Marion) Case # 2018-1031

I, Cassandra C. McLeod-Skinner, being first duly sworn, state that I am the Executive Director of the Board of Chiropractic Examiners of the State of Oregon, and as such, am authorized to verify pleadings in this case: and that the foregoing Final Default Order is true to the best of my knowledge as I verily believe.

Original signatures are on file in OBCE administrative office.

Cassandra C. McLeod-Skinner, J.D.
EXECUTIVE DIRECTOR
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me
this 28th day of October, 2019.

Original signatures are on file in OBCE administrative office.

NOTARY PUBLIC FOR OREGON
My Commission Expires: 6-5-2021

OFFICIAL STAMP
DONNA MARIE DOUGAN
NOTARY PUBLIC - OREGON
COMMISSION NO. 963069
MY COMMISSION EXPIRES JUNE 05, 2021

CERTIFICATE OF SERVICE

I, Cassandra C. McLeod-Skinner, certify that on October 28, 2019, I served the foregoing Final Default Order upon Ryan Gunyan, DC, the party hereto, by emailing and by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Ryan Gunyan, DC
2047 NW Cadbury Ave
Beaverton, OR 97006
drryangunyan@gmail.com

Original signatures are on file in OBCE administrative office.

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