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**BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON**

6 In the Matter of)
7) STIPULATED
8 Stephen Holtzman, D.C.) FINAL ORDER
9)
10)
11 Licensee.) Case # 2000-1007
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14 The Board of Chiropractic Examiners (Board) is the state agency responsible for
15 licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Stephen
16 Holtzman, D.C. (Licensee), is licensed by the Board to practice as a chiropractic physician in the
17 State of Oregon. The Board has determined the facts as follows:
18

19 **FINDING OF FACT**
20

21 1.

22 From February 1997 through April 1997, patient A sought treatment with licensee due to a motor
23 vehicle accident. A patient-chiropractic relationship began and patient A had several treatments
24 on a regular schedule. During treatment Licensee would often ask patient A inappropriate
25 personal questions.
26

27 2.

28 On or about the third week of April 1997, patient A was leaving a treatment session when
29 licensee kissed him. Licensee then led patient A into an exam room and kissed him once again.
30 Licensee began to fondle Patient A in the crotch area and put patient A's hand on his crotch area
31 as well. Licensee then engaged in oral sex on patient A and had patient A perform oral sex on
32 licensee as well.
33

34 3.

35 In an interview with the board investigator, Licensee indicated that after treatment of Patient A as
36 referred to above, he did get "carried away" and admitted that oral sex occurred between licensee
37 and Patient A in a room in his office in April of 1997.
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CONCLUSION OF LAW

4.

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

STIPULATIONS

5.

This matter having come properly before and been considered by the Board, and Licensee having voluntarily stipulated and consented to the issuance and entry of this order by signing below,

IT IS HEREBY ORDERED THAT:

1. Pursuant to ORS 183.415(5), the Board and Licensee agree to informally dispose of and settle this matter.

2. Licensee stipulates that he has been advised of his right to request a hearing in this matter pursuant to ORS 183.415(2)(a), and to be represented at a hearing pursuant to ORS 183.415(3).

3. Licensee waives his right to a hearing in this matter.

4. Licensee is placed on suspension, during which time he may not engage in the practice of chiropractic, for 90 days beginning on January 24, 2001 and ending on April 24, 2001.

5. Following the period of suspension, Licensee is placed on probation for five years.

6. Licensee must enter into treatment with Steven Mussack Ph.D. or another psychologist or psychiatrist specializing in treatment of sexual offenders approved by the OBCE. All therapy and reporting will be at the sole cost of the licensee. Licensee shall cause the treating psychologist to submit periodic reports to the OBCE regarding Licensee's progress at a duration of not less than once every six months. Licensee waives any privilege and consents to allow contact between the treating psychologist or psychiatrist and the OBCE for purposes of verifying compliance with the terms and conditions of this proposed order.

7. For the duration of the probation, Licensee shall not examine or treat any patient unless a disinterested adult or an adult licensed health-care professional is present in the treatment room. Any employee of Licensee, or the adult licensed health-care professional who functions in this capacity must have a signed agreement with Licensee, a copy of which must be sent to the OBCE, establishing:

- a) That employee has been provided with a copy of this Stipulated Final Order.
- b) That employee has a clear understanding of the duty to report any known or suspected violations of this order to the OBCE, and that report may be made without informing the Licensee.

6.

Licensee agrees to not engage in any conduct or verbal behavior toward any patient that may be reasonably interpreted by the patient as sexual, sexually suggestive, seductive or demeaning. If at any time after the date of entry of this order, the OBCE establishes after contested case hearing that licensee has engaged in inappropriate sexual contact with patients, the incident may be used as a basis for license revocation.

7.

Licensee is assessed the costs of this proceeding in the amount of \$306 pursuant to ORS 684.100(9).

8.

This Stipulated Final Order memorializes the entire agreement between the Licensee and the Board and supercedes all prior offers, negotiations or settlement discussions regarding this matter.

I have read and I fully understand all of the above Stipulated Final Order and fully agree to its terms.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Rev.

Original signature on file
at the OBCE office.

Steven Holtzman DC

Date: 1-23-00

Original signature on file
at the OBCE office.

Dave McTeague, Executive Director

Date: 1-24-01

NOTICE: You are entitled to judicial review of this order pursuant to the provisions of ORS 183.480. Judicial review may be obtained by filing a petition in the Oregon Court of Appeals. The petition must be filed within 60 days from the date of service of this order.

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	Order for
Stephen Holtzman, D.C.)	
)	Competency Examination
)	
Licensee.)	Case # 2000-1007
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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. Stephen Holtzman, D.C. (hereafter "Licensee"), is a licensed chiropractic physician in Oregon.

1.

From February 1997 through April 1997, patient A sought treatment with licensee due to a motor vehicle accident. A patient-chiropractic relationship began and patient A had several treatments on a regular schedule. During treatment Licensee would often ask patient A inappropriate personal questions.

2.

On or about the third week of April 1997, patient A was leaving a treatment session when licensee kissed him. Licensee then led patient A into an exam room and kissed him once again. Licensee began to fondle Patient A in the crotch area and put patient A's hand on his crotch area as well. Licensee then engaged in oral sex on patient A and had patient A perform oral sex on licensee as well.

3.

In an interview with the board investigator, Licensee indicated that after treatment of Patient A as referred to above, he did get "carried away" and admitted that oral sex occurred between Licensee and Patient A in a room in his office during April 1997.

4.

The allegations from Patient A include engaging in sexual relations with a current patient and if proven, would be violations of ORS 684.100 (1)(g)(A); and OAR 811-035-0015 and (1)(a).

5.

At the September 2000 Board Meeting, the Board determined that an evaluation by a qualified psychologist or psychiatrist was essential to the fact finding process in this investigation prior to any final Board decision in this matter. This is consistent with the Board's policy to order psychological evaluation in cases with serious allegations of sexual misconduct.

6.

Pursuant to the authority in ORS 684.100 (5) (6) and (7), OAR 811-010-0089 (9), and OAR 811-010-0089, the OBCE hereby orders Licensee to undergo a competency examination by an Oregon licensed psychologist or psychiatrist chosen by the OBCE for the purpose of determining Licensee's current mental fitness to practice chiropractic with reasonable skill and safety to patients. The examination will be at Licensee's expense. The examination shall be given by: Kevin Krieg, Ph.D., 8414 SW Barbur Blvd., Suite 207, Portland, 97219, Oct. 31, 2000 at 12:00 noon. Licensee must make arrangement with Dr. Krieg to complete prior testing necessary for the evaluation.

7.

That Licensee shall cause the results of the competency report to be sent by Dr. Kreig directly to the Oregon Board of Chiropractic Examiners.

IT IS SO ORDERED this 5th of October, 2000.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Rv:

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director