

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	NOTICE OF PROPOSED
Anthony Illo, D.C.)	
)	DISCIPLINARY ACTION
)	
Licensee.)	Case # 2019-3011
_____)	

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. Anthony Illo, D.C. (Licensee), is a licensed chiropractic physician in Oregon. The Board proposes to discipline Licensee for the following reasons.

1. Treatment of Patient 1.

Patient 1: Licensee treated Patient 1 for neck, back, and shoulder pain due to a motor vehicle accident and saw Patient 1 on March 28, 2019, at the end of her treatment cycle. Licensee treated Patient 1 from March 6 through March 28, 2019. Licensee often scheduled Patient 1 for the end of the day when there were not a lot of other patients or staff in the office.

On March 28, 2019, Patient 1 was lying on the treatment table while Licensee stood behind her, preparing for a neck adjustment. Patient 1 said her head was positioned near Licensee's crotch as he stood over her. While lying on the treatment bed, Licensee complimented Patient 1 on how she looked in the jeans she was wearing and the way they fit her body. Patient 1 mentioned she didn't like to go clothes shopping and Licensee said "you don't like shopping,

you're my kind of girl." Patient 1 responded further about her fiancé and that he liked to shop. Patient 1 felt uncomfortable about Licensee making remarks about her clothing and the way they fit. Following the adjustment, Licensee again mentioned the jeans looking good on her. During that same time period, Licensee engaged in small talk with her and asked her what she was doing that day. Patient 1 mentioned she was going to a concert that evening and mentioned the location. Licensee mentioned the movie "Deep Throat" and asked her if she had seen it, pointing out that the concert location had shown the pornographic movie many years ago. Patient 1 said she did not watch porn. Licensee went on to explain to her that the premise of the movie was that the main character "had a clitoris in her throat and she only liked men that were 10 inches or longer." This made Patient 1 very uncomfortable since Licensee was still adjusting her during this conversation.

Patient 1 said she had an uneasy feeling in her stomach. She was laying on her side, shoved up against a wall and didn't know what Licensee was doing. It made her very uncomfortable. Patient 1 attempted to change the subject of conversation and Licensee finally stopped talking about the movie.

Patient 1 left the office and canceled the remainder of her appointments.

After Patient 1 canceled the remainder of her appointments, Licensee attempted to telephone her on two occasions. Licensee left her voice messages, apologizing and stating that he would like to talk to her personally. Patient 1 did not speak to Licensee personally.

2.

During his Board investigative interview, Licensee described Patient 1 as a very “emotional” patient, stating she would cry a number of times due to pain from her accident. Licensee stated that he did mention the movie “Deep Throat,” the plot to the movie, and that he mentioned it as a “pop culture” reference not intending to be inappropriate. He recalled that the movie had a lot of press about the plot line and was a departure from the typical X rated movie. He admitted he explained the plot of the movie where the character had a genetic deformity where her clitoris was in her throat. In his interview with the Board, Licensee admitted that he transgressed boundaries with this patient in his choice of inappropriate topics and said it was a grievous error.

Licensee denied making any other comments to Patient 1 about the clothing she wore or how she looked during that same visit.

Licensee admitted that he did leave her some voice messages via telephone and that was his attempt to repair his mistake.

Licensee stated his intent was never sexual or to be inappropriate toward Patient 1.

3. Conclusion of Law

The Board finds that Licensee’s conduct as reported by Patient 1, and as documented in his interview with the Board, are evidence of violations of appropriate boundaries with a patient during treatment. In addition, Licensee’s admission to discussion of the topic and his lack of self-insight when the topic was discussed creates a risk to the public of Licensee continuing this type of boundary violations with other patients. The Board finds that Licensee’s conduct as described herein toward Patient 1 constitutes unprofessional conduct in the chiropractic profession, in violation of ORS 684.100 (1)(f)(A) and OAR 811-035-0015(1)(a),(d)-(e).

4. Proposed Sanction

Due to the aforementioned violations, the OBCE proposes:

1. Licensee attend, successfully, and unconditionally complete and pass the ProBe ethics program within six months of the date of the final order, and provide a certificate of successful completion of the program to the Board within 30 days of completion along with a final report as required by that program. Attendance of ProBe is not to be counted as continuing education for regular licensure but is in addition to that amount required;
2. Licensee is required to pay a civil penalty of \$3,000 to be paid to the Board within 90 days this order becomes final; and
3. Licensee is required to create a written policy manual for his clinic regarding appropriate workplace behavior and will provide proof of that to the Board within 90 days this order becomes final.

5. . Costs

The Board has authority to impose discipline in this matter pursuant to ORS 684.100(9)(g). The Board proposes to assess against Licensee all of the Board's costs of this disciplinary process and action, including but not limited to all legal costs from the Department of Justice, all hearing costs from the Office of Administrative hearings, all costs associated with any expert or witness, and all administrative costs specific to this proceeding, in an amount not to exceed \$150,000, pursuant to ORS 684.100(9)(g), in addition to any interest accrued at the legal rate allowed and any and all costs related to collections.

6. . Right to Contested Case

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.

7. Licensee's Answer

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.

8. Hearing Rights

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.

9. Notice of Default

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.

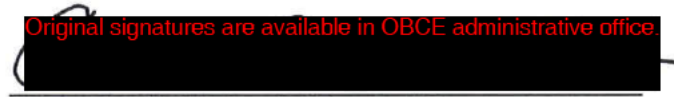
10. NOTICE TO ACTIVE DUTY

SERVICEMEMBERS:

Active duty service members have a right to stay these proceedings under the federal Service Members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

Dated this 6th of August, 2020

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

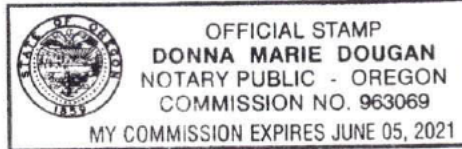
Original signatures are available in OBCE administrative office.

Cassandra C. McLeod-Skinner, J.D.
Executive Director

State of Oregon)
)
County of Marion) Case # 2019-3011

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 Notice is true to the best of my knowledge as I verily believe.

Original signatures are available in OBCE administrative office.

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



SUBSCRIBED AND SWORN to before me
this 6th day of August, 2020.

Original signatures are available in OBCE administrative office.

NOTARY PUBLIC FOR OREGON
My Commission Expires: 6-5-21


Certificate of Service

I, Cassandra C. McLeod-Skinner, certify that on the 6th day of August, 2020, I served the foregoing Notice of Proposed Discipline upon the party hereto by email to counsel and by mailing, postage prepaid, a true, exact and full copy thereof to:

Adina Matasaru
1500 SW 1st Ave Suite 800
Portland OR 97201
adina@matasarulaw.com

Anthony Illo DC
Illo Chiropractic
7340 SW Hunziker Road Suite 101
Portland OR 97223

Original signatures are available in OBCE administrative office.



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