

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of

PAMELA JOHNSON D.C.,
License No.: 3297

)
) Case # 2003-3015

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) FINAL STIPULATED ORDER
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The Oregon Board of Chiropractic Examiners (hereafter "Board") is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Pamela Johnson, D.C. (hereafter "Licensee"), is currently licensed by the Board to practice as a chiropractic physician in Oregon and is subject to the jurisdiction of the OBCE.

Summary of Facts

1.

At all relevant times, Licensee was a Licensed Professional Counselor and Licensed Chiropractor in the State of Oregon and was employed as both chiropractor and counselor at the Peterson Clinic located at 1002 W. Elm street in Hermiston, Oregon and later at her own location at 935 W. Orchard Avenue, Hermiston, Oregon.

Licensee saw Patient 1 for chiropractic treatment at the Peterson Clinic from May 7, 2002 through June 16, 2002. During that time, Patient 1 was primarily seeing Licensee as a patient for counseling treatment but also for chiropractic care.

While Patient 1 was being treated as a patient in a doctor-patient relationship, from May 7 through June 16, 2002, Licensee and Patient 1 formed a personal relationship which included socializing, shopping trips, attending church together, attending movies and other social activities.

Final Stipulated Order Pamela Johnson D.C.

Patient 1 moved back to Pennsylvania in June 2002. From late September 2002 through September 2003, Licensee and Patient 1 kept in frequent telephone contact. In September 2003, Patient 1 flew to Spokane, Washington to meet Licensee for a three day weekend where they spent time together in a personal relationship.

In September 2003, Patient 1 returned to eastern Oregon to attend Blue Mountain Community College and moved into a separate bedroom in the home of Licensee's parents in Hermiston, Oregon where Licensee also lives.

After coming to Oregon to live in September 2003, Patient 1 again became a chiropractic client/patient of Licensee's and received nine spinal adjustments. The chiropractic doctor/patient relationship was reactivated upon Patient 1's return to Oregon. During that same time period, a close personal relationship continued. No counseling services were provided by Licensee to Patient 1 after June of 2002. Patient 1 moved out of the Johnson family home in Hermiston and back to her parents' home in Pennsylvania in June 2004.

2.

On January 23, 2004, the Board issued an Order for Competency Examination. That order required an evaluation by a qualified psychologist or psychiatrist, Dr. Edward Vien, to determine the fitness of Licensee to practice chiropractic with reasonable skill and safety to patients and to evaluate the potential harm to patients that Licensee was treating.

3.

Licensee was examined on March 19, 2004 and April 7, 2004. Dr. Vien found that licensee admitted to engaging in romanticized conversations with Patient 1. Dr. Vien found that Licensee used her role to cultivate a personal relationship with a vulnerable and impressionable patient. In addition, the unusual work environment also promoted boundary violations, fostering multiple

roles and relationships between family members and colleagues. Dr. Vien was concerned about Licensee's decision to allow Patient 1 to reside in her home with her parents, reflecting minimal appreciation for the seriousness of her conduct. He noted despite personal psychotherapy and recent ethical training, she remains insensitive to professional parameters and common sense expectations. He noted she lacks insight into her motivations and the potential future harm to Patient 1, rationalizing and justifying the actions as beneficial to Patient 1 as a patient. Dr. Vien also pointed out impropriety with two prior professional relationships, noting that this incident with Patient 1 is not an isolated matter. Dr. Vien stated licensee was prone to episodic and opportunistic violations that are situationally based. Dr. Vien found that to prevent future impropriety, corrective interventions are warranted.

Conclusions of Law

4.

The board finds that the acts committed by Licensee are violations of ORS 684.100(1)(g)(A) and, OAR 811-035-0015(1)(a). These acts violate ethical conduct toward a patient and constitute unprofessional conduct. The conduct of Licensee by engaging in verbal behavior towards a patient that may be reasonably interpreted as sexual, seductive or demeaning violates the above statute and rule. The board also finds that it is unprofessional conduct to use the role of chiropractor to cultivate a personal relationship with a vulnerable and impressionable patient. The Board finds that after examination by Dr. Ed Vien, that corrective interventions are necessary in order to protect the public, the patients of Licensee. The Board finds that the competency of Licensee to serve as a chiropractor in this state is at issue pursuant to ORS 684.100(5)-(7).

Stipulations

Final Stipulated Order Pamela Johnson D.C.

NOW THEREFORE, the Board and the Licensee stipulate and agree that this disciplinary action may be concluded by entry of this Stipulated Final Order upon the following terms:

1. Pursuant to ORS 183.415(5) the Board and Licensee agree to informally dispose of and settle this matter.
2. Licensee stipulates that she has been advised of her right to request a hearing in this matter pursuant to ORS 183.415(2)(a), and to be represented at hearing pursuant to ORS 183.415(3).
3. Licensee waives her right to a hearing in this matter and waives any right to appeal.
4. Licensee will be placed on probation for two years, which commences from the date this order becomes final on condition that all other conditions in this order are followed.
5. Licensee is suspended for one month and that suspension will begin on September 15, 2004.
6. For the time period deemed necessary by the clinician, not to exceed the duration of the probation period, Licensee will receive psychotherapy with a clinician with expertise in the rehabilitation of impaired professionals and who can review Licensee's pattern and motivation for dual relationships with patients. This clinician will be Terrell Templeman in Pendleton Oregon, who has been approved by the Board. Licensee will request that six-month intervals of reports from this provider are provided to the Board.

7. Licensee shall instruct all health care providers participating in the treatment program to respond promptly to any Board inquiry concerning Licensee's compliance with the treatment plan. Licensee shall waive any privilege with respect to any physical or psychological evaluation or treatment in favor of the Board for the purpose of determining compliance with this Order and shall execute any waiver or release upon request from the Board. All costs of treatment are the responsibility of Licensee.

8. Licensee will participate in a mentoring plan with a board-approved chiropractor for one year, who is familiar with the NET technique. The mentor will be Becky Cannon, D.C., who has been approved by the Board. Licensee will request that the mentor provide the Board with quarterly reports. All costs of the mentoring program are the responsibility of Licensee. **The Mentoring Doctor will sign a personal services contract with the OBCE for the provision of this service. The financial compensation for the Mentoring Doctor will be at Licensee's expense that will be due and payable to the OBCE. The rate will be \$100 per hour plus mileage at the state rate. Successful completion of the Mentoring Plan also requires that this financial obligation be met. The Mentoring Doctor will provide OBCE with periodic billings for services and in turn the OBCE will bill the Licensee. Licensee will send this payment to the OBCE within 30 days.**

9. Licensee must take and pass the NBCE Ethics and Professional Boundaries examination within one year of the final signature on this order.
10. For the duration of the probation period, Licensee must have a chaperone present while female patients who are not accompanied by another adult are receiving any chiropractic treatment. This requirement applies to any examination or treatment provided by Licensee, including the taking of patient history. The chaperone shall be approved by the OBCE and shall not be related to the Licensee or involved in a past or present personal relationship with Licensee. Jeanne Steffey has been approved by the Board to serve as a chaperone. Any other person who is to serve as a chaperone must also be approved by the Board. The Licensee shall provide the chaperone with a copy of the Final Stipulated Order and obtain the chaperone's agreement to inform the Board if the chaperone has concerns that Licensee has violated the conditions of the Stipulated Final Order or is engaging in behavior which may place a patient at risk. An agreement with the Licensee stipulating no harm or retribution to the chaperone may be incurred for reporting to the OBCE will also be signed.
11. A permanent restriction on the license is that Chiropractic patients may not be professional counseling clients and counseling clients cannot be chiropractic patients. Licensee's practice of the Neuro-Emotional Technique (NET) technique with chiropractic patients must stay within the chiropractic scope of practice and not be a professional form of

psychotherapy as practiced by counseling, social workers, psychology or psychiatric professions.

12. Licensee will not provide chiropractic treatment to Patient 1 during the period of Licensee's probation.

13. The Stipulated Final Order memorializes the entire agreement between Licensee and the Board and supercedes all prior offers or settlement discussions.

IT IS SO ORDERED:

1. Licensee will be placed on probation for two years, which commences from the date this order becomes final on condition that all other conditions in this order are followed. Licensee is suspended for one month and that suspension will begin on September 15, 2004.
2. For the amount of time deemed necessary by the clinician, not to exceed the duration of the probation period, Licensee will receive psychotherapy with Dr. Templeman who has expertise in the rehabilitation of impaired professionals and who can review Licensee's pattern and motivation for dual relationships with patients. This clinician has been approved by the Board. Licensee will request that six-month interval reports from this provider be provided to the Board.
3. Licensee will participate in a mentoring plan with Dr. Becky Cannon D.C. for one year (who is familiar with using the NET technique). Licensee will request that the mentor provide the Board with quarterly reports. All costs of the mentoring program are the responsibility of Licensee.

4. Licensee must take and pass the NBCE Ethics and Professional Boundaries examination within one year of the final signature on this order.
5. For the duration of probation, Licensee will provide a chaperone for all female patients who are not accompanied by another adult while receiving chiropractic treatment. This requirement applies to examination and treatment including taking patient history. The chaperone is to be board approved and not involved in any prior or current personal relationship with Licensee. Jeanne Steffey has been approved by the Board to serve as a chaperone. Any other person who is to serve as a chaperone must also be approved by the Board.
6. Licensee will not provide chiropractic treatment to Patient 1 during the period of Licensee's probation.
7. A permanent restriction on the license is that Chiropractic patients may not be professional counseling clients and counseling clients cannot be chiropractic patients.
8. Licensee's practice of the Neuro-Emotional Technique (NET) technique with chiropractic patients must stay within the chiropractic scope of practice and not be a professional form of psychotherapy as practiced by counseling, social workers, psychology or psychiatric professions.

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of

PAMELA JOHNSON D.C.,
License No.: 3297

Case # 2003-3015

NOTICE OF PROPOSED
DISCIPLINE

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

1.

At all relevant times, Licensee was a Licensed Professional Counselor and Licensed Chiropractor in the State of Oregon and was employed as both chiropractor and counselor at the Peterson Clinic located at 1002 W. Elm Street in Hermiston, Oregon and later at her own location at 935 W. Orchard Avenue, Hermiston, Oregon.

Licensee saw Patient 1 for chiropractic treatment at the Peterson Clinic from May 7, 2002 through August 16, 2002. During that time, Patient 1 was also seeing Licensee as a patient for counseling treatment as well.

While Patient 1 was being treated as a patient in a doctor-patient relationship, from May through August 2002, Licensee and Patient 1 formed a personal relationship which included socializing, shopping trips, attending church together, attending movies and other social activities.

Patient 1 moved to another state after August 2002 and from August 2002 through September 2003, Licensee and Patient 1 kept in constant telephone contact during that time. In September 2003, Patient 1 flew to Spokane, Washington to meet Licensee for a three day weekend where they spent time together in a personal relationship.

In October 2003, Patient 1 moved to Hermiston, Oregon wherein she moved into the home that Licensee lives in with her parents and Patient 1 is currently a tenant in the Johnson family home in Hermiston.

After coming to Oregon to live in October 2003, Patient 1 again became a client/patient of Licensee. The doctor/patient relationship was reactivated upon Patient 1's return to Oregon. During that same time period, a close personal relationship continued while Licensee continued to provide counseling services to Patient 1.

2.

On January 23, 2004, the Board issued an Order for Competency Examination. That order mandated an evaluation by a qualified psychologist, Edward Vien, Psy.D., to determine the fitness of Licensee to practice chiropractic with reasonable skill and safety to patients and to evaluate the potential harm to patients that Licensee was treating.

3.

Dr. Vien found that Licensee admitted to engaging in romanticized conversations with Patient 1. Dr. Vien found that Licensee used her role to cultivate a personal relationship with a vulnerable and impressionable patient. This represents misuse of her authority and status for self-gratification. In addition, the unusual work environment also promoted boundary violations, fostering multiple roles and relationships between family members and colleagues. Dr. Vien was concerned about Licensee's decision to allow Patient 1 to reside in her home with her parents, reflecting minimal appreciation for the seriousness of her conduct. He noted despite personal psychotherapy and recent ethical training, she remains insensitive to professional parameters and common sense expectations. He noted she lacks insight into her motivations and the potential future harm to Patient 1, rationalizing and justifying the actions as beneficial to Patient 1 as a patient. Dr. Vien also pointed out impropriety with two prior professional relationships, noting that this incident with Patient 1 is not an isolated matter. Dr. Vien stated licensee was prone to episodic and opportunistic violations that are situationally based. Dr. Vien found that to prevent future impropriety, corrective interventions are warranted.

4.

The above described conduct of Licensee violates ORS 684.100(1)(g)(A) and, OAR 811-035-0015(1)(a). These acts violate ethical conduct toward a patient and constitute unprofessional conduct. The Board also finds that the competency of the Licensee is at issue pursuant to ORS 684.100(5)-(7). The use of the role of chiropractor to cultivate a personal relationship with a vulnerable and impressionable patient is inappropriate and the competence of this chiropractor to practice safely is at issue.

5.

Due to the aforementioned violations, the OBCE proposes to suspend Licensee's license for 3 months due to the aforementioned violations. In addition, Licensee will be placed on three years of probation following the period of suspension. Terms of probation are as follows:

1. For the duration of the probation period, Licensee will receive psychotherapy with a psychologist or psychiatrist with expertise in the rehabilitation of impaired professionals and who can review Licensee's pattern and motivation for dual relationships with patients. This psychologist or psychiatrist will be approved by the Board. Licensee is responsible to see that reports from this provider are provided to the Board at a minimum every six months. Therapy will be at Licensee's expense.
2. Licensee will participate in a mentoring plan with a board- approved chiropractor for one year, who also specializes or practices using the NET

technique, if one is available. The Mentoring Doctor will be chosen by the OBCE and will sign a personal services contract with the OBCE for the provision of this service. The financial compensation for the Mentoring Doctor will be at Licensee's expense which will be due and payable to the OBCE. The per hour rate will be determined by the Mentoring Doctor plus mileage at the state rate. Successful completion of the Mentoring Plan also requires that this financial obligation be met. The Mentoring Doctor will provide OBCE with periodic billings for services and in turn the OBCE will bill the Licensee. Licensee will send this payment to the OBCE within 30 days. Licensee agrees to allow the Mentoring Doctor to enter Licensee's business premises to examine, and review, Licensee's patient or other records to determine compliance with the terms of this order, for the duration of this mentoring plan. Licensee agrees the Mentoring Doctor will make periodic reports to the OBCE regarding Licensee's progress in meeting minimum standards of chiropractic health care.

3. Licensee must take and pass the NBCE Ethics and Professional Boundaries examination within one year of the final signature on this order.
4. Within 45 days of the final order signature, Licensee will terminate the current residential arrangement with patient 1.
5. For the duration of the probation period, Licensee must have a chaperone present at all times with all female patients during examination and treatment. The chaperone shall be approved by the OBCE and shall not be related to the Licensee or involved in a past or present personal relationship with Licensee. The Licensee shall provide the chaperone with a copy of the Final Stipulated Order and obtain the chaperone's agreement to inform the Board if the chaperone has concerns that Licensee has violated the conditions of the Stipulated Final Order or is engaging in behavior which may place a patient at risk. An agreement with the Licensee stipulating no harm or retribution to the chaperone may be incurred for reporting to the OBCE will also be signed.
6. A permanent restriction on the license is that chiropractic patients may not be professional counseling clients and counseling clients may not be chiropractic patients. Licensee's practice of the Neuro-Emotional Technique (NET) technique must stay within the chiropractic scope of practice and not be a professional form of psychotherapy as practiced by counseling, social workers, psychology or psychiatric professions.

6.

Respondent shall pay costs of this disciplinary proceeding, which may include investigative costs and attorney fees pursuant to ORS 684.100(9)(g). This cost recovery may also include collection of non-sufficient funds fees, interest, hearing panel and contested case related expenses. The statutory rate of interest applies to an amount not paid when due. The cost of this disciplinary

proceeding is due and payable within 21 days of the effective date of any Final Order or the receipt of the total calculated amount.

7.

Licensee has the right, if Licensee requests, to have a formal contested case hearing before the OBCE or its hearings officer 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.

8.

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.

9.

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.

10.

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.

IT IS SO ORDERED this 27th day of May, 2004.

BOARD OF CHIROPRACTIC EXAMINERS

State of Oregon

Original signature on file
at the OBCE office.

By:

Dave McTeague, Executive Director

State of Oregon

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Case # 2003-3015

County of Marion

)

Pamela Johnson DC

I, Dave McTeague, being first duly sworn, state that I am the Executive Director of the Oregon Board of Chiropractic Examiners, and as such, am authorized to verify pleadings in this case: and that the foregoing Notice of Proposed Discipline is true to the best of my knowledge as I verily believe.

Original signature on file
at the OBCE office.

Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

SUBSCRIBED AND SWORN to before me

this 26th day of May, 2004

Original signature on file
at the OBCE office.

NOTARY PUBLIC FOR OREGON

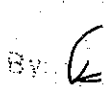
My Commission Expires: 10/7/07



CERTIFICATE OF SERVICE

I, Dave McTeague, certify that on May 27, 2004 I served the foregoing Notice upon Pamela Johnson DC, the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Pamela Johnson DC
935 W Orchard Ave.
Hermiston, Oregon 97838

By:  Original signature on file
at the OBCE office.

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	Order for
Pamela Johnson, D.C.)	
)	Competency Examination
)	
Licensee.)	Case # 2003-3015

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. Pamela Johnson D.C. (hereafter "Licensee"), has been a licensed chiropractic physician in Oregon since August 22, 2001. Licensee has also been a Licensed Professional Counselor in the State of Oregon since June 3, 1991.

1.

In August 2003, the Board received a complaint alleging that Licensee was demonstrating inappropriate behavior and boundary violations toward a young female patient (also a counseling client) within a chiropractic clinic. Licensee admits to providing both counseling and chiropractic health care to this patient. Licensee is alleged to have a relationship with the patient above and beyond any physician/patient & client relationship within the chiropractic clinic beginning in May 2002.

2.

The Board has investigated this matter and has spoke to several witnesses that reveal that the Licensee may have difficulty in maintaining a professional relationship with patients and is alleged to have a pattern of allowing personal and romantic relationships to develop and arise out of the physician/patient relationship, counselor/client relationship or other authority figure/subordinate relationships. This information provides the Board with reasonable cause to believe that the Licensee needs to be evaluated as to her professional relationships with patients. The Board voted on January 15, 2004 that Licensee be ordered to attend a psychological examination based on the above.

3.

The OBCE has determined that an evaluation by a qualified psychologist or psychiatrist is essential to the fact-finding process in this investigation prior to any Board decision on this case. This is based on the reasonable cause provided above and that the Licensee may be

harmful to the patients she is currently treating and may not be able to practice with reasonable skill to protect the public and her patients.

4.

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 psychological examination and competency examination by Oregon licensed psychologist Dr. Edward Vien (Psy. D) located at 921 SW Washington Suite 758, Portland Oregon 97205 (503) 274-7701. Licensee is directed to contact Dr. Vien for the purpose of scheduling the examination/s no later than February 11, 2004.

The purpose of this is to determine Licensee's current fitness to practice chiropractic with reasonable skill and safety to patients. The Licensee will bear the responsibility of the cost of the exam. The results of the examination will be provided by Dr. Vien to the Board.

IT IS SO ORDERED this 23rd of January, 2004.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By:

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director

CERTIFICATE OF SERVICE

I, Dave McTeague, certify that on January 23, 2004, I served the foregoing Order for Competency Examination upon Pamela Johnson DC, the party hereto, by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Pamela Johnson DC
935 W Orchard Ave
Hermiston, Oregon 97838

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners