

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)
Adam Lopez, D.C.) **FINAL ORDER OF**
License No; 2645) **DISCIPLINARY ACTION**
)
Licensee.) **(SUSPENSION)**
) **Case # 2006-1000**
)

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. Adam Lopez, D.C. (hereafter "Licensee"), is a licensed chiropractic physician in Oregon.

Summary of Facts

1.

In October 2004, Patient 1 became a patient of Licensee. Patient 1's family was also treated by Licensee. During treatment, Patient 1 and Licensee established a close friendship and began to discuss their personal and family issues. Beginning in January 2005 Licensee and Patient 1 consummated an intimate sexual relationship that was concealed from their respective spouses. The relationship continued with numerous sexual encounters, telephone conversations, e mails, shared meals and personal meetings. Chart notes indicate that Licensee treated Patient 1 from October 2004 through April 2005. In April 2005, Licensee terminated Patient 1 as a patient via letter.

2.

In an interview with the Board in May 2006, Licensee admitted he had a sexual affair with Patient 1 and told the Board investigator that they consummated a sexual relationship in January 2005 that lasted through March 2005 while Patient 1 said that it ended sometime in April 2005. Licensee explained that he had given in to temptation and attempted to conceal the relationship from his family. Licensee accepted that Patient 1 was in fact a patient and his conduct was unprofessional.

3.

The Board alleged in the Notice of Discipline that Licensee's conduct as described herein constitutes unprofessional conduct. Licensee's practice, as described above, constitutes violations of ORS 684.100 (1)(g)(A); and OAR 811-035-0015(1)(b)-(e).

4.

On May 25, 2006, a Notice of Proposed Discipline was served on Licensee. That notice proposed a 30 day suspension, a probation of three years, attendance of the PROBE ethics program and a \$5000 civil penalty. In the Notice of Discipline, Licensee was notified that if he did not request a hearing in writing within 30 days a default order would be issued and the Board file would become the evidentiary record for the default. Licensee did not request a hearing in writing.

Conclusions of Law

5.

The Board finds that Licensee's conduct as described herein constitutes a violation of laws and rules and is unprofessional conduct. Licensee's practice, as described above, constitutes violations of ORS 684.100 (1)(g)(A); and OAR 811-035-0015(1)(b)-(e).

ORDER

6.

The Board finds Licensee in violation of ORS 684.100(1)(g)(A) and OAR 811-035-0015(1)(b)-(e) and orders Licensee to complete the following:

1. Licensee's License to practice Chiropractic is hereby suspended for 30 days beginning August 1, 2006 through August 31, 2006. Licensee may not participate in any type of practice of chiropractic during that time period.
2. Licensee is placed on Probation for a period of three years from the date of completion of the suspension.
3. Licensee must attend and complete the PROBE ethics program in September or November 2006 at his own expense and provide proof of completion of the program to the Board within thirty days of completion.
4. Licensee is assessed a civil penalty in the sum of \$5000 payable to the Board within 30 days of this signed order.
5. Licensee must participate in appearing before Western States Chiropractic School students to discuss what he gained from his experience in the PROBE

program upon request of the Board at least three times in the next three years from the date this order is signed.

6. Further violations of this final order may result in further discipline up to and including revocation of the license.

Dated this 6th of July 2006.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By: _____

**Original signature on file
at the OBCE office.**

**Dave McLeague
Executive Director**

A party is entitled to judicial review of the Final Order. Judicial review is by the Oregon Court of Appeals pursuant to the provisions of ORS 183.482. Judicial review may be obtained by filing a petition for review with the Office of State Court Administrator, Supreme Court Building, Salem, Oregon 97310. ORS 183.482 requires that an appeal is requested by filing a petition in the Court of Appeals within 60 days following the date the order upon which the petition is based is served.

* * * * *

State of Oregon) Case # 2006-1000

County of Marion) Adam Lopez D.C.

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 Disciplinary Action 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 5th day of July, 2006

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 Adam Lopez DC, I served the foregoing Final Order of Disciplinary Action upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Adam Lopez DC
North Coast Chiropractic Center
P O Box 279
Warrenton, Oregon 97146

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners

Certificate of Service

I, Dave McTeague, certify that on July 6, 2006, I served the foregoing Final Order of Disciplinary Action upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Adam Lopez DC
North Coast Chiropractic Center
P O Box 279
Warrenton, Oregon 97146

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)	
)	NOTICE OF PROPOSED
Adam Lopez, D.C.)	
License No; 2645)	DISCIPLINARY ACTION
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Licensee.)	Case # 2006-1000
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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. Adam Lopez, D.C. (hereafter "Licensee"), is a licensed chiropractic physician in Oregon. The Board proposes to discipline Licensee for the following reasons:

1.

In October 2004, Patient 1 became a patient of Licensee. Patient 1's family was also treated by Licensee. During treatment, Patient 1 and Licensee established a close friendship and began to discuss their personal and family issues. Beginning in January 2005 Licensee and Patient 1 consummated an intimate sexual relationship that was concealed from their respective spouses. The relationship continued with numerous sexual encounters, telephone conversations, e mails, shared meals and personal meetings. Chart notes indicate that Licensee treated Patient 1 from October 2004 through April 2005. In April 2005, Licensee terminated Patient 1 as a patient via letter.

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3.

The Board finds that Licensee's conduct as described herein constitutes unprofessional conduct. Licensee's practice, as described above, constitutes violations of ORS 684.100 (1)(g)(A); and OAR 811-035-0015(1)(b)-(e).

4.

Due to the aforementioned violations, the OBCE proposes to suspend Licensee's Licensee for a period of 30 days as of the date of this effective date of the final order in this matter, that Licensee is placed on probation for a period of 3 years following the conclusion of the suspension, that Licensee must attend and complete the PROBE ethics program (either in September 2006 or November 2006) and provide proof of completion to the Board within that time period, and be assessed a civil penalty in the sum of \$5000, payable within 30 days of the final order. Licensee must also participate in appearing before Western States chiropractic students to discuss what he learned at the PROBE program upon request of the Board at least three times in the next three years.

5.

Licensee shall pay costs of this disciplinary proceeding, including investigative costs and attorney fees pursuant to ORS 684.100(9)(g).

6.

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.

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.

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.

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.

Dated this 25th of May 2006.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By:

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director

State of Oregon
County of Marion

) Case # 2006-1000
) Adam Lopez 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 Disciplinary Action 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 25th day of May, 2006

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 25, 2006, I served the foregoing Notice of Proposed Disciplinary Action upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

**Adam Lopez DC
North Coast Chiropractic Center
P O Box 279
Warrenton, Oregon 97146**

Original signature on file
at the OBCE office.

**Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners**

The ProBE Program Faculty . . .

PROBE IS DISTINCTIVE IN BEING TEAM-TAUGHT by experienced medical educators. The team approach provides multiple perspectives and resources across the healthcare professions. It enhances peer-based introspection, and facilitates sharing of coping strategies. This faculty brings to the seminar a diverse range of expertise in the areas of clinical ethics, philosophy and theology, health law, public health, health policy and management, and social and ethical theory.

Joseph C. d'Oronzio, PhD, MPH, is an independent bioethics consultant and has been the Executive Director of the Ethics Group, LLC since its founding. He is an Associate Clinical Professor in the Department of Health Policy and Management at the Columbia University Mailman School of Public Health, a Faculty Associate of the Columbia University Center for Bioethics and an Adjunct Professor in the Nursing Executive Program. He was the Raoul Wallenberg Visiting Professor in Human Rights at Rutgers University in 2003-04, and was the 2002 S. Sandy Sandbar Lecturer of the American College of Legal Medicine, in recognition for his work in developing the ProBE Program.

Dr. d'Oronzio was educated at Syracuse, Columbia, and Harvard Universities

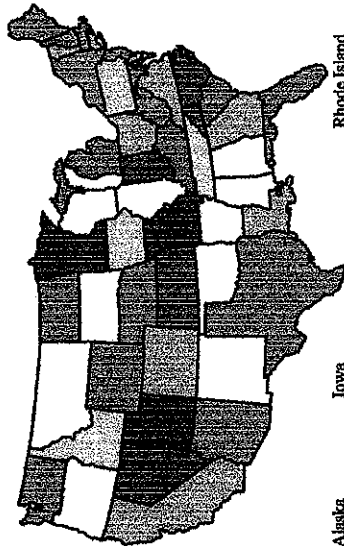
Edmund L. Erde, PhD, is Professor at the University of Medicine and Dentistry of New Jersey-School of Osteopathic Medicine, where he was elected to the Stuart D. Cook, M.D. Master Educators' Guild, and a Fellow of the College of Physicians of Philadelphia. His principle appointment is in the Department of Family Medicine with adjunct appointments in Psychiatry, the Nursing School, and the Graduate Department of Public Policy at Rutgers University (Camden).

Dr. Erde was educated at Cornell University, Brooklyn College, and the University of Texas at Austin.

David M. Price, MDiv, PhD recently retired after 25 years of teaching medical ethics at the University of Medicine and Dentistry - New Jersey Medical School in Newark. He was also Director of the Center for Healthcare Ethics at the UMDNJ-New Jersey Medical School and Clinical Ethicist at University Hospital in Newark. He is a board member and former Chair of New Jersey Health Decisions, a citizen's group active in public education and health policy. He now is Clinical Ethicist at Bayshore Community Hospital and at Palisades Medical Center, and is Clinical Director of CarePaths, LLC, an advisory service for those facing serious illness.

Dr. Price was educated at the University of Michigan, Yale University, and Michigan State University.

The ProBE Program - 1992-2006



Alaska	Iowa	Nebraska	Rhode Island
Arizona	Kansas	New Hampshire	South Carolina
California	Kentucky	Nevada	Texas
Colorado	Louisiana	New Jersey	Tennessee
Connecticut	Maine	North Carolina	Utah
Delaware	Maryland	North Dakota	Vermont
Florida	Massachusetts	Ohio	Virginia
Georgia	Michigan	Pennsylvania	Washington
Idaho	Missouri		West Virginia
Indiana	Minnesota		Wyoming

Also referred by the American Boards of Radiology, Urology, Pediatrics, Internal Medicine, Emergency Medicine, and by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM)

Continuing Medical Education

The ProBE Program consists of 22 hours of continuing education of which 14 are contact hours and 8 additional hours are credited to preparation, evaluation, and assessment. ProBE has satisfied the requirement for continuing medical education (CME) in professional ethics mandated by licensing boards for all of the 39 states that have referred more than 350 of their licensees to this program since 1992.

The Ethics Group, LLC

P.O. Box 415

Summit, NJ 07901

Phone and FAX: 908-522-8740

<http://www.EthicsGroup.org>

WOULD YOU LIKE TO RECEIVE ANNUAL UPDATES BY E-MAIL? PLEASE CONTACT US AT

Director@EthicsGroup.org

The ProBE Program Professional Problem Based Ethics

2006 Schedule

Rutgers University Inn and
Conference Center
New Brunswick, New Jersey

January 20-22, 2006

April 28 - 30, 2006

September 15-17, 2006

New Location and Collaboration with CPEP the
Center for Personalized Education for Physicians
<http://www.spepdcc.org>

Radisson Hotel Stapleton Plaza
Denver, Colorado

November 17-19, 2006

Tuition: \$1,200

Serving the medical licensing community
since 1992



THE ETHICS GROUP, LLC

<http://www.EthicsGroup.org>

A PROFESSIONAL COMPANY ORGANIZED UNDER THE LAWS OF THE STATE OF NEW JERSEY TO OFFER EDUCATIONAL SERVICES TO LICENSING BOARDS AND OTHER AGENCIES OF THE HEALTH PROFESSIONAL COMMUNITY OF THE UNITED STATES.

THE PROBE PROGRAM IS THE ORIGINAL educational intervention in ethics for health care practitioners who are under discipline by their licensing boards, hospital or other oversight agencies. It is unique in addressing the specific and individual ethical difficulty that occasioned the sanction. Originally designed for physicians, the range of professionals. Participants have included practitioners from dentistry, nursing, podiatry, chiropractic, acupuncture, and physicians assistants.

First developed in 1992 for the State of New Jersey Board of Medical Examiners, The ProBE Program has been subscribed to and/or approved for continuing medical education in professional ethics by 39 state licensing boards in the United States as well as several specialty boards.

The ProBE Program is registered in the *Health Provider Assessment and Remediation Resource Manual* (US HRSA, DHHS, Washington, DC: 2003); and, in the *Directory of physician assessment and remedial education programs*, (Federation of State Medical Boards: 2005). The Ethics Group, LLC is a member of the *Coalition for Physician Enhancement*, an organization of universities and other agencies devoted to promoting excellence in patient care through personalized assessment and education of individual physicians.

PROBE has been presented to the *Institute of Ethics of the American Medical Association (AMA)*, to the joint AMA and Canadian Medical Association, *International Conference on Physician Health* and at the annual national conferences of major professional societies such as the *American College of Physicians; the American Society of Law, Medicine and Ethics; the American Public Health Association; the Administrators in Medicine of the Federation of State Medical Boards; the Society of Medical Jurisprudence; the Federation of Chiropractic Boards; and the American College of Legal Medicine* (2002 S. Sandy Sanbar Lecture).

The ProBE Program in the *Academic Press*.

"The ProBE Program: Remedial Education in Professional and Problem-Based Ethics," *The Federation BULLETIN: The Journal of Medical Licensure and Discipline*, (Federation of State Medical Boards: 1996) 3:83 143-148.

"Practicing Accountability in Professional Ethics," *Journal of Clinical Ethics* (Winter 2002) 13:4:359-366:

"Avoiding Fallacies of Misplaced Concreteness in Medical Professionalism," *American Journal of Bioethics* (Spring 2004) 4:2-31-33

FRI. PM Session 1 - The "Good Doctor"

What are the characteristic qualities of good doctor? An exercise to elicit from the participants an ideal vision of the desired virtues expected of a health professional.

SAT. AM Session 2 - Infractions, Sanctions and Discipline

A recitation by each participant stating why his/her board required remedial education and direction in professional ethics. What is the infraction? Why the sanction? What are the terms of the disciplinary action or consent order? *These accounts permit ProBE Program discussions to be individualized and "problem-based"*.

Session 3 - Clinician--Patient Relationship: Models

Evaluation of different ways of relating to patients and the moral constraints and obligations entailed in each. Individual styles and their consequences are examined through specific cases.

SAT. PM Session 4 - Clinician--Patient Relationship: Boundaries

Professional integrity in regard to interpersonal boundaries: sexual, financial, dual relationships, and fiduciary. Warning signs of implicit and explicit boundary violation. The clinician's responsibility to avoid abuse of inherently unequal power.

Session 5 - Accountability Within the Professions

What do the health professions say they expect of their members? Professional standards, oaths, principles, and codes examined as sources of rights, obligations, and accountability. The strengths and limitations of peer review and whistle blowing.

SUN. AM Session 6 - Holding Professionals Accountable: The Practice of Accountability

What is accountability in healthcare? Societal responses to the failures of professional self-policing and the protection of the public's health: medical practice acts, licensing boards, national practitioner data banks (NPDB and HIPDB) and the multiple other mechanisms of social accountability for healthcare professionals.

Session 7 - Conceptual Resources and Overview

Types of rules and of moral theories. Practical concepts and distinctions that participants can apply to analysis of their own cases. Review of the guidelines for the Final Essay. Evaluation of ProBE Program by participants.

Final Essay, Evaluation, and Assessment

EACH PARTICIPANT IS REQUIRED TO WRITE A SHORT ESSAY (3-4 typewritten, double-spaced pages), which relates the substance of The ProBE Program to the particular violation that lead to participation. Specific course readings and/or class discussions should be identified and explored in terms of how each provided insight into the specific problem that brought the participant before the Board or other agency. The essay should sum up what was learned. The syllabus contains guidelines to assist in formulating this summary.

This essay must be completed and returned to **THE ETHICS GROUP. LLC** within two weeks of the program. Along with other elements of participation, the essay is required for certification of successful completion of The ProBE Program. It will be forwarded to the licensing board (or other agency), together with commentary by the faculty.

ASSESSMENT AND EVALUATION by the faculty is made on the basis of the quality of participation, and completion of the assignments. A detailed letter of assessment is sent to the appropriate licensing board or other agency for each person who completes all course elements. It includes, (1) certification of participation; (2) the final essay with faculty commentary; and, (3) an overall evaluation of the participant's capacities for ethical reasoning and insight as demonstrated over the whole course of The ProBE Program. A copy of this assessment letter is sent to the participant along with a certificate of completion.

ENROLLMENT IN THE PROBE PROGRAM is limited to an optimal group of 12-14 participants to assure a balance of effective peer exchange and attention to the individual. To assure enrollment for the desired and timely session, early application is therefore strongly recommended.

Enrollment must be reserved with an initial deposit of \$200 with the full tuition of \$1200 payable three weeks before the selected weekend. The tuition includes the teaching materials (a 150 page syllabus of readings, cases and exercise assignments), all refreshment breaks, and Saturday's luncheon.

Lodging in both the New Jersey and Colorado locations is discounted at group rate, and along with travel and any other expenses, is the responsibility of the participant.

*Enrollment forms and complete information is
may be downloaded from our website*

<http://www.EthicsGroup.org>