

BEFORE THE  
BOARD OF CHIROPRACTIC EXAMINERS  
STATE OF OREGON

In the Matter of )  
 ) Case # 2009-3008  
Jason Thomas Lutz, Chiropractic Assistant )  
 ) **FINAL DEFAULT**  
 ) **ORDER;**  
 ) **REVOCAION OF CERTIFICATE**  
\_\_\_\_\_ )

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. Jason Thomas Lutz ((hereafter "Licensee"), is a licensed certified chiropractic assistant in Oregon. He is also a Licensed Massage Therapist. The Board revokes the certificate of the above Licensee on the following basis:

Findings of Fact

1.

Patient AB was a chiropractic patient at the chiropractic clinic which employed Licensee as a chiropractic assistant. She was given massages by Licensee at the chiropractic clinic in 2007 and 2008 in increments of 15 and 30 minutes. Patient AB reports that massages over 30 minutes were performed at Licensee's studio and once in 2007 at the home of her friend. She reported that Licensee always folded the blanket in such a manner as to only expose that portion of the body being massaged and had never previously massaged her stomach or her breasts.

2.

On September 23, 2008, Licensee provided massage services to Patient AB in his studio location on 2823 NE 72<sup>nd</sup> Avenue Portland Oregon. Patient AB had only her underwear on and was turned over the massage table in a supine position. She was covered with a blanket. During the massage Licensee put his hands under the blanket and began to massage her stomach. Patient AB thought it was odd as he had not done that previously. Then Licensee asked Patient AB "do you want more?" Patient AB responded, stating "do we have time?" Licensee said "yes, we have time." Licensee then put his hands under the blanket and his fingers began to slide under the top of her underwear. Patient AB adjusted her body trying to get him to stop, which he did. He then began to massage her stomach again. Then he moved his hands up to her breasts. He massaged her breasts with one of his hands on each of her breasts in a kneading motion using his hands and fingers. He then moved his hand to her inner thighs and used the index finger of his right hand with medium pressure to rub against the middle of her vaginal area outside of her

underwear. Patient AB was sure that Licensee had touched her breasts three separate times and her vaginal area at least three separate times. Patient AB didn't attempt to stop him when he was doing this as she was alone and only in her underwear and feared that it would escalate his conduct. Patient AB reported the event to Portland Police on October 3, 2008.

3.

On or about September 21, 2008, Licensee provided massage services to CD in her Portland home and while doing so is alleged to have glazed the clients breast with his hand in a quick movement, touching both breasts during a massage. Licensee began to rub her stomach area, something that she had not experienced before. In addition, while massaging her legs he massaged her muscles in the groin area, near the labia. Licensee had not done this in prior massages that CD had received. While he was massaging the groin area, the next thing CD knew, Licensee put his hands on her underwear, and then as he moved the underwaear to the side, he put two fingers inside of her vagina. CD said "was that part of the massage?" Licensee said, "no, I just thought you were into it, I thought that's what you wanted." CD told him no. CD reported this to the police in Portland, Oregon on February 26, 2009.

4.

Licensee worked for a chiropractic physician since licensure in 2005. Prior to the incidents mentioned in paragraphs 1 and 2 above, Licensee had two complaints from other patients. They involved him placing his hands too close to the buttocks on one female and too close to the breasts on another female patient. Licensee was warned by his employer at that time about the boundary issue and certain precautions were put in place by the employer. When Patient AB complained to the doctor as stated in paragraph 1, Licensee was terminated from employment.

5.

On March 4, 2009, after receipt of the complaints in this matter, the Board corresponded with Licensee by mail and email requesting his response to the allegations and informed him of the Board's pending deliberations. Licensee never responded to the Board's request.

6.

On April 3, 2009, the Amended Notice for Discipline to Revoke the Certificate was issued to Licensee at his PO Box and his e mail address. It was also sent to his street address of 10414 NE 63<sup>rd</sup> Street, Vancouver WA 98662. Licensee did not request a hearing in writing and is now in default. In the Amended Notice of Revocation the Board notified Licensee that the record in this matter would be used for purposes of default.

#### Conclusions of Law

7.

The Board finds that the acts and conduct of Licensee are cause to revoke the certificate. The unprofessional or dishonorable conduct is in violation of **OAR 811-010-0110(14)(a)**. The Board may revoke a certificate for this type of conduct. The touchings of the women as alleged were violations of **OAR 811-035-0015(1)(a) and (c) and ORS 684.100(1)(g)(A), (1)(d)**. In

addition, the Licensee failed to cooperate with the Board's investigation and in that failure was in violation of **OAR 811-035-0015(20)**. The Board finds the conduct as alleged warrants revocation of Licensee's chiropractic assistant certificate.

ORDER: Licensee's certificate as a Chiropractic Assistant is hereby revoked.

DATED June 3, 2009

**BOARD OF CHIROPRACTIC EXAMINERS**  
State of Oregon

Original signature on file at OBCE

By:

\_\_\_\_\_  
Dave McTeague, Executive Director  
Oregon Board of Chiropractic Examiners

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 # 2009-3008  
County of Marion ) Jason Thomas Lutz, Chiropractic Assistant

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 Final Default Order is true to the best of my knowledge as I verily believe.

**Original signature on file at OBCE.**

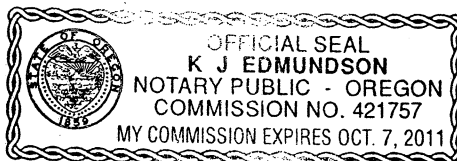
\_\_\_\_\_  
Dave McTeague, Executive Director  
Oregon Board of Chiropractic Examiners

SUBSCRIBED AND SWORN to before me

this 4th day of June, 2009

**Original signature on file at OBCE.**

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 10/7/2011




## Certificate of Service

I, Dave McTeague, certify that on June 4, 2009, I served the foregoing Final Default Order upon the party hereto by mailing, regular mail, postage prepaid, a true, exact and full copy thereof to:

Jason Lutz  
PO Box 822128  
Vancouver, WA 98682

Jason Lutz  
c/o Danielle Shirtcliff AAL  
1001 SW 5<sup>th</sup> Ave. # 97204

Original signature on file at OBCE

  
Dave McTeague  
Executive Director  
Oregon Board of Chiropractic Examiners

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