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BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

6 In the Matter of)
7)
8 Joseph J. Maher, D.C.) FINAL ORDER
9)
10 Licensee.) Case # 99-1004
11)
12)
13)

14 The Oregon Board of Chiropractic Examiners (the Board) is the state agency
15 responsible for licensing, regulating and disciplining chiropractic physicians in the State
16 of Oregon. Joseph J. Maher, D.C. (Licensee), is licensed by the Board to practice as a
17 chiropractic physician in the State of Oregon.

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21 On July 21, 1999, the Oregon Board of Chiropractic Examiners (OBCE) served
22 Licensee, with a proposed order of suspension (30 days) and two year probation with
23 conditions alleging that Licensee committed violations of the Board's rule on
24 unprofessional conduct as defined in ORS 684.100(1)(g)(A) and OAR 811-035-0015(1)
25 as follows:
26

27 Patient "N.B," an adult female, sought treatment from Licensee in November
28 1996. Licensee began treating patient "N.B." on November 13, 1996, for "acute left hip
29 capsulitis and acute cervical/ thoracic fasciitis." Licensee continued to treat patient
30 "N.B". periodically until her last treatment on October 15, 1997. During the course of
31 treating patient "N.B.," Licensee and patient "N. B." developed a personal, intimate
32 relationship. Licensee engaged in sexual intercourse with patient "N.B." at his home in
33 November, 1997, during the time "N.B." was still a patient. Although Licensee
34 discussed with patient "N.B." the need to transfer patient care to another chiropractor,
35 he failed to do so until February 11, 1998. Licensee admitted that he became
36 emotionally involved with patient "N.B." and that he engaged in sexual relations with
37 her. He stated, " I fell in love with her and thought I would spend the rest of my life with
38 her. I know hat I should have sent her to another chiropractor. I told her that a couple
39 of times. Once on the day we went to Mary's Peak and then again on that Sunday,
40 before we made love, but I didn't follow through. I should have closed the file on her
41 and sent her to see someone else, but I didn't. It's my fault. I crossed the line."
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Licensee's conduct, as described above, constitutes unprofessional conduct as defined by ORS 684.100 (g)(A); is a violation of OAR 811-035-0015 (1)(a), (b); and is grounds for discipline pursuant to ORS 684.100(9).

3.

By an Agreement dated July 23, 1999, a copy of which is attached hereto and marked Attachment A, Licensee admitted the facts alleged in the Proposed Notice, agreed to the proposed disciplinary action and waived his right to a hearing.

4.

DISCIPLINARY ACTION AND CONDITIONS OF PROBATION

The Board imposes the following disciplinary sanctions:

(a) Licensee is placed on probation for the next two years of Licensee's active status. If Licensee changes his status to inactive, the probation and associated conditions will resume when licensee resumes active status, until Licensee has completed the two-year probation;

(b) Licensee is suspended from practice for a period of thirty (30) days, beginning on August 1 and concluding on August 31, 1999;

(c) Licensee shall participate in counseling regarding boundaries and dual relationships with a mental health provider approved by the Board. Licensee shall cause the provider to submit periodic reports to the Board regarding Licensee's progress for as long as Licensee remains on probation. Licensee waives any privilege and consents to allow contact between the provider and the Board for purposes of verifying compliance with the terms and conditions of this proposed order. All counseling and reporting will be at the sole cost of Licensee;

(d) Licensee shall complete a course of education addressing boundary issues and dual relationships, to be approved by the Board. At a minimum, this will include reading three books on the subject and writing a report on each, attending all available patient management classes at Western States Chiropractic College dedicated to this subject, and locating and attending an additional twelve hours of professional or continuing education related to this topic. This course of education must be completed within twelve months of the date of the final order in this case;

1 (e) Licensee shall participate in a processing session with N.B. if requested by
2 the patient in this case, and approved by the Board. All costs related to supervision of
3 the processing session will be at the sole cost of Licensee;
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5 (f) The Board or it's representative is authorized to enter Licensee's business
6 premises to examine, review and photocopy Licensee's patient or other records to
7 determine compliance with the terms of this order;
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9 (g) Licensee shall not engage in any conduct or verbal behavior toward any
10 female patient that may reasonably be interpreted by the patient as sexual, sexually
11 suggestive, seductive, or demeaning. Further, Licensee shall not engage in sexual
12 relations with a current patient;
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14 (h) If at any time after the date of entry of this order, the Board establishes after
15 a contested case hearing that Licensee has engaged in inappropriate sexual contact
16 with patients, the incident may be used as a basis for license revocation.
17

18 DATED this 27th day of July, 1999.
19

20 BOARD OF CHIROPRACTIC EXAMINERS
21 State of Oregon
22

23 Original signature on file
24 at the OBCE office.
25 By: Dave McTeague, Executive Director
26
27

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29 **NOTICE:** You are entitled to judicial review of this order pursuant to the provisions of ORS 183.480.
30 Judicial Review may be obtained by filing a petition in the Oregon Court of Appeals. The petition must
31 be filed within 60 days from the date of service of this order.
32
33

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of the License as)
a Chiropractic Physician of:)

Joseph Maher, D.C.,)

Licensee.)

Case # 99-1004

AGREEMENT RE: PROPOSED
DISCIPLINARY ACTION

If Licensee does not wish to appear at hearing, Licensee may settle this matter by agreement. To do so, please check the appropriate space, sign and return this document to the Oregon Board of Chiropractic Examiners, Morrow Crane Building, 3218 Pringle Road SE, First Floor, Suite 150, Salem, Oregon 97302.

If Licensee wishes to have a hearing, and does not wish to stipulate to the facts, or if Licensee wishes to appear personally, Licensee must request a hearing in a separate document, filed with the Licensee's answer to the charges.

1. _____, Original signature on file
exists for the _____ at the OBCE office. I, _____, agree that cause
civil penalties and costs of this proceeding. I agree to the Examiners to issue
imposition of this discipline, and hereby waive my right to a hearing.

Original signature on file
at the OBCE office.

_____, D.C.

Dated: 7-23-99

2. I, _____, D.C., agree that the facts as alleged in the Notice of Proposed Disciplinary Action are true and accurate. I have an additional written statement that I wish the Board to consider in its deliberation of this matter. It is submitted with this agreement. I hereby request a hearing and waive my right to appear.

_____, D.C.

Dated: _____