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DEC 14 2009

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

OREGON BOARD OF
CHIROPRACTIC EXAMINERS

In the Matter of)	
)	STIPULATED FINAL ORDER
Tory Naugle DC)	
License No;)	
)	
Licensee # 3553)	Case # 2009-1023
_____)	

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. Tory Naugle D.C. (hereafter "Licensee"), is a licensed chiropractic physician in Oregon. The Board has determined to discipline Licensee for the following reasons:

Findings of Fact

1.

In 2004, Patient 1 met and dated Licensee and they subsequently remained friends. While friends, they had a flirtatious relationship, but no sexual relationship occurred. They continued to socialize with one another after both married others. Licensee was licensed as a chiropractor in January of 2005 and began treating Patient 1 and formed a doctor/patient relationship. They continued to be friends.

In 2009 Patient 1 and Licensee confided in one another concerning deterioration in their respective marriages. Both Patient 1 and Licensee filed for divorce. In the spring of 2009, Licensee and Patient 1 became intimate with one another. Although their relationship occurred

outside of the clinic, Licensee continued to treat Patient 1 until May 18, 2009 when Licensee terminated care of Patient 1 and referred her to another chiropractor.

During an interview with the board's investigator Licensee acknowledged that prior to terminating his patient care of Patient 1, his intimate relationship with Patient 1 was contrary to the Board's law and/or rules. Licensee agreed that he did not consider his relationship with Patient 1 to have "continued" since first dating her in 2004 and that their initial relationship ended before he began treating her.

Conclusions of Law

2.

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)(a)-(e).

STIPULATIONS

3.

Therefore, pursuant to ORS 183.415(5) and ORS 684.100(9)(e) the OBCE orders:

1. The parties have agreed to enter this stipulated final order. Licensee agrees to the entering of this final order. Licensee agrees that he is aware of his right to a hearing with his attorney present to contest the charges and hereby waives that right and agrees to entry of this order. The signature of this order also waives any right to appeal. The parties wish to settle and resolve the above matter without further proceedings.
2. Licensee will agree to pay a civil penalty in the sum of \$5,000 payable to the Board within 120 days of this final order.

3. Licensee agrees to attend board approved continuing education classes on ethics and boundaries for a total of 12 hours within 6 months of this order becoming final. Licensee agrees to provide verification of completion of these classes to the Board and that these hours are in addition to the hours annually required by the Board.
4. Licensee agrees to be placed on a 3 year probation following this order.
5. Licensee agrees to attend and complete the PROBE ethics program within one year of this final order at Licensee's own expense and provide proof of completion of the program to the Board within 30 days of completion.
6. Failure to complete this stipulated final order with the terms so stated, may result in further discipline, up to and including, revocation.
7. This agreement encompasses all stipulations made by the parties and is a public document. This is a public document.

I have fully read and fully understand all of the above facts and agree to the above terms:

IT IS SO ORDERED effective last date signed below.

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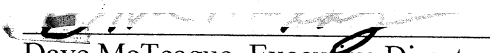
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OREGON BOARD OF
CHIROPRACTIC EXAMINERS

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signature on file at OBCE.

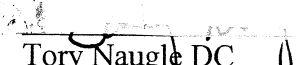
By:


Dave McTeague, Executive Director

Date: 12/14/2009

Original signature on file at OBCE

By:


Tory Naugle DC

Date: 12/10/09

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	AMENDED
)	NOTICE OF PROPOSED
Tory Naugle DC.)	
License # 3553;)	DISCIPLINARY ACTION
)	
Licensee)	Case # 2009-1023
_____)		

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. Tory Naugle D.C. (hereafter "Licensee"), is a licensed chiropractic physician in Oregon. The Board proposes to discipline Licensee for the following reasons:

1.

In 2004, Patient 1 met Licensee through a friend of their families. They became friends in a social group. Patient 1 was married at the time and Licensee was a chiropractic student and was engaged. Apparently when they were friends there was some flirting behavior between he and Patient 1 but no sexual relationship occurred. Both couples stayed friends and continued to socialize. At some point Patient 1's marriage deteriorated and she confided in Licensee. When Licensee became licensed as a chiropractor in January 2005 he saw Patient 1 as a patient and started a doctor/patient relationship with her. They continued to be friends as well during that time period.

In the spring of 2009, Licensee and Patient 1 became intimate with each other. They became sexually active and the relationship began as a result of Patient 1 sharing her feelings

with him about their respective marital issues. Patient 1 shared her information with Licensee because he was her care provider. The relationship has continued as a sexual one up to the current time and Licensee continues to treat Patient 1.

During an interview with the board's investigator Licensee acknowledged that the current relationship between he and Patient 1 was contrary to the Boards laws and/or rules. Licensee did indicate when he first met her back in 2004 that he didn't consider that relationship to have continued, and that they had ended that relationship before he began to provide her treatment as a doctor.

2.

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)(a)-(e).

3.

Due to the aforementioned violations, the OBCE proposes to suspend Licensee's Licensee for a period of 30 days following the final order in this matter, that Licensee is placed on probation for a period of 3 years following the final order, and be assessed a civil penalty in the sum of \$5000, payable within 30 days of the final order. Licensee must also complete 12 hours of board approved continuing education on ethics and boundaries; and he must attend and complete the PROBE ethics program within one year at his own expense and provide proof of completion of the program to the Board within thirty days of completion.

4.

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

5.

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.

6.

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.

7.

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.

8.

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 September 23, 2009,

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By: _____

Original signature on file at OBCE

Dave McTeague
Executive Director

State of Oregon) Case # 2009-1023
County of Marion) Tory Naugle 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 OBCE.

~~_____~~
Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

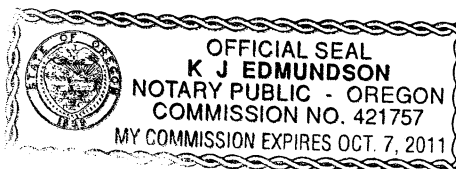
SUBSCRIBED AND SWORN to before me

this 23rd day of September, 2009

Original signature on file at OBCE

~~_____~~
NOTARY PUBLIC FOR OREGON

My Commission Expires: 10/7/11



Certificate of Service

I, Dave McTeague, certify that on September 23, 2009, I served the foregoing Notice of Proposed Disciplinary Action upon the party hereto by mailing, regular mail, postage prepaid, a true, exact and full copy thereof to:

Tory Naugle, DC
Better Life Chiropractic & Massage
2355 NW Stewart Pkwy
Roseburg, OR 97471-5653

Frank Moscato AAL
1001 SW Fifth Ave, 16th Floor
Portland, Oregon 97204-1116

Original signature on file at OBCE. _____

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners