

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	Case #: 2015-2001, 2016-1003
PATRICK OWEN D.C.,)	2016-1004, 2016-1005
)	
Licensee.)	STIPULATED FINAL
)	ORDER
)	

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. Patrick Owen, D.C. (hereafter "Licensee"), is currently licensed by the Board to practice as a chiropractic physician in Oregon.

Findings of Fact

1.

On September 1, 1999, the OBCE issued a Final Order against Licensee that revoked him and stayed the revocation provided he complied with the final order. Licensee was disciplined for inappropriate sexual relationship with a patient. Licensee was required to complete a five year probation term, to complete a psychological evaluation, was suspended for six months, to serve probation and a permanent license restriction to have chaperones with all female patients. The stay of the remainder was under the conditions of probation which were as follows:

In section IV of the order under **Permanent Limitation on License**, the order had the following language:

Licensee shall not examine any female patient unless a disinterested adult male or an adult female licensed health-care professional is present. Any employee of Licensee, or the adult female licensed health-care professional, who functions in this capacity must have a signed agreement with Licensee, a copy of which must be sent to the OBCE, establishing;

- a) That employee has been provided with a copy of this Stipulated Final Order

b) That employee has a clear understanding of the duty to report any known or suspected violations of this order to the OBCE and that report may be made without informing the licensee;

c) An agreement with Licensee stipulating no harm or retribution may be incurred for reporting to the OBCE.

Further in the order it stated that the OBCE and Licensee agree that the stay being honored depended on Licensee completely complying with the conditions of the order and conditions of probation; specifying the permanent restriction on his license.

2.

The Board received a complaint on March 31, 2015 and made contact with Licensee. The complaint was about treatment of a specific patient and involved her care. While investigating that complaint, the investigator became aware that Licensee had not been using chaperones with all female patients. In fact, Licensee admitted that he had not used chaperones since he returned to practice in 2006. The investigator confirmed with Licensee's staff that since 2006 he was not having female patients chaperoned as required in his prior final order.

3.

Licensee willingly signed his agreement in 1999 and knew that he had a permanent license restriction in that document. Licensee also knew that if he did not comply with his agreement in the order that his stayed revocation could be lifted. Licensee has failed to follow his final order and has been out of compliance with his permanent license restriction to have all female patients chaperoned since 2006. Due to his failure to follow that order, the Board voted on July 16, 2015 to impose the stayed revocation from the September 1, 1999 final order.

4.

On November 30, 2015, the Board issued an Amended Notice of Proposed Discipline for revocation of Licensee's license. Thereafter, three additional complaints were filed against Licensee. Two of them were for not having chaperones during treatment and a third one was for alleged inappropriate conduct during an examination. On May 25, 2016, the Board filed a Second Amended Notice of Discipline adding these new complaints to this matter.

Conclusions of Law

5.

The Board finds that if the matter had proceeded to hearing, the Board would find Licensee's conduct is in violation of ORS 684.100(1)(f) (A) and (p) and OAR 811-035-0015 (23).

Stipulations

6.

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 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. Licensee agrees to waive any right to appeal. The parties wish to settle and resolve the above matter without further proceedings.

2. Licensee agrees that in lieu of proceeding to hearing on all matters listed in the caption of this stipulation, Licensee agrees to the following:

a. For a period of 120 days from the effective date of this order, Licensee may continue to practice chiropractic with a chaperone as required in the September 1, 1999 Final Order. This is to allow a new chiropractic associate to become trained prior to taking over the practice to provide treatment. Licensee agrees to follow the chaperone requirements as dictated by the Board.

b. For a period not to exceed eight months after the above 120 day period in paragraph a, Licensee will have a limited license of Chiropractic as owner in name only and agrees not to practice chiropractic. This is to allow Licensee to sell his chiropractic practice within that time period. Licensee is responsible to employ and/or hire an Oregon Licensed Chiropractor to provide treatment in the practice and an Oregon licensed chiropractor to provide vacation coverage treatment to the

patients. Licensee will not be able to provide vacation coverage after the 120 day time period. Licensee agrees to provide proof of sale of practice to the Board within 10 days of sale.

c. After the one year total from the effective date of this order, Licensee agrees he will surrender his chiropractic license effective upon that time and agrees not to apply in the future. Licensee will cease any and all chiropractic treatment, billing and services as of 120 days after the effective date of this order.

d. If Licensee is unable to sell his practice during that one year time period, Licensee agrees to surrender his license and not reapply at that time unless arrangements have been made between Licensee and the Board at least one month prior to the one year time period running. The Board will consider a reasonable extension request on his limited license.

3. If Licensee violates any of the terms of this order, the Board may consider further discipline.

4. This order is effective on August 1, 2016 and is a public record.

DATED this 7th day of July, 2016

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signatures are available in OBCE admin office

By:

Cassandra Skinner J.D., Executive Director

By: _____
Patrick Owen D.C.

¹ The patients shall sign a statement that they understand they are required to have a chaperone and that the requirement cannot be waived by any patient. The chaperone shall not be related to the Licensee or involved in the past or current personal or business relationship with Licensee. The chaperone shall meet with representatives of the Board to be interviewed and approved and will not unreasonably be withheld of approval. The Licensee shall provide the chaperone with a copy of this Final Order and obtain the chaperone's agreement to inform the Board if the chaperone has any concerns that Licensee has violated the conditions of this order or is engaging in behavior that may put patients at risk. There must be a signed agreement between Licensee and the chaperone stipulating no harm or retribution will occur for reporting to the Board. A copy of this agreement with each chaperone using the Board's template will be provided to the Board. The chaperone shall initial the patient's chart at the time of each visit to confirm presence during treatment. The chaperone must be provided for all female patients regardless of age.