

BEFORE THE
OREGON BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of the License to Practice)
as a Chiropractic Physician of)
THOMAS C. RICHARDS, D.C.) STIPULATED)
) FINAL ORDER)

Pursuant to ORS 684.100, the above-entitled matter came before the Oregon Board of Chiropractic Examiners (OBCE) on the complaint of three women,

Pursuant to ORS 183.415(5), in order to informally dispose of and settle this matter, Thomas C. Richards, D.C. (Richards), by and through his attorney, Richard Walsh, and the OBCE by and through its Executive Director, Christie Joachim, make the following statements:

1.

Richards admits and stipulates that he has been advised of his right to request a hearing in this matter pursuant to ORS 183.415(2)(a) and to be represented at a hearing pursuant to ORS 183.415(3).

2.

Having timely requested a contested case hearing, Richards hereby waives such hearing and enters into this Stipulated Final Order based upon the terms set forth below.

3.

The OBCE and Richards stipulate that the following allegations have been made against Richards:

///

in paragraphs 4, 5, and 6.

JW
TCR

1
2 Female patient was a patient of Richards between July
3 7, 1993 and September 29, 1993. She sought treatment for injuries
4 sustained in an auto accident.

- 5 a. During her second visit, Richards told "You are a
6 good looking woman. You could have anyone. I'm all
7 that you need." He also said "You've been sexually
8 abused before haven't you? I can recognize the signs."
9 L.S. had been the subject of prior sexual abuse, but was
10 not seeking Richards' treatment for that condition.
- 11 b. During subsequent appointments, Richards asked if
12 her boyfriend had spent the night; if they had engaged
13 in sexual intercourse; if she enjoyed sex with her
14 boyfriend; and if her boyfriend was good sexually.
15 During one of the visits, Richards told her that her
16 boyfriend was black, ugly and not good enough for her.
17 Further, he told her "You don't need him. People will
18 stare. You'll look like that kind of woman if you're
19 seen in the mall with him. People know what women are
20 looking for in a black guy."
- 21 c. On another occasion, Richards told that her church
22 was her problem; that it was a bad church and that she
23 needed to leave it. Richards told her that she didn't
24 need a church; he was all she needed.
- 25 d. As a result of her complaint of hip pain, Richards
26 treated groin area. During these treatments,
Richards stretched the leg opening of her underpants,
exposing her vaginal area without clinical justification.
During one of these treatments, Richards complained about
underpants and pantyhose, telling her that she did
not need panties and that she should wear clothing
without anything on underneath.
- 21 e. During the course of treating Richards engaged in
22 multiple acts of inappropriate touching involving L.S.'s
23 breast and buttocks.
- 24 f. During some of their appointments, attempted to
25 have her daughter remain in the same treatment room to
26 avoid being treated alone by Richards. Richards became
angry at the suggestion and insisted that
daughter go to another room during treatment.

26 ///

5.

2 Female was employed by Express Services on August 23,
3 1993, to provide clerical services in Richards' clinic.

4 During her employment she was also a patient. Her employment and
5 treatment by Richards was terminated on October 18, 1993.

6 a. During employment interview with Richards, he
asked her the following questions:

- 7 1) Are you married?
8 2) Do you have a boyfriend?
9 3) Are you in love with him?
4) Is he a good lover?

10 b. During her employment, Richards pulled on the front of
11 sweater and said "I don't like sweaters; they
hide everything." Further, he remarked that he liked
her turtleneck blouse "because its' tight."

12 c. On more than one occasion, Richards engaged in
13 inappropriate touching, involving breasts. Even
14 though complained about the inappropriate touching,
Richards acted as though nothing had happened, and
repeated the conduct later.

15 6.

16 Female employee and patient was employed by Richards
17 from September 23, 1988 to September 3, 1991. She was treated by
18 Richards on a regular basis during that time. worked for
19 Richards for two to three months before Richards started making
20 sexual comments to her. The pattern of comments progressed to the
21 point that the incidents also included inappropriate touching.
22 The inappropriate conduct on the part of Richards involves the
23 following:

24 a. Richards was seated at a computer. As walked
25 past, Richards grabbed her, and pulled her down unto his
lap. He then told her that she needed "to be loved by a
real man."

!!!

- 1 b. While [redacted] was talking to a female representative of
2 the Wilsonville Spokesman, Richards came out of the
3 restroom and, apparently not seeing the other woman,
4 lightly slapped [redacted] on the buttocks.
- 5 c. One day when [redacted] returned from lunch, Richards asked
6 her if she had a "nooner" with her boyfriend.
- 7 d. Richards asked [redacted] on one occasion what she wore to bed.
- 8 e. During one conversation [redacted] blurted out "Well, you
9 are sexually harassing me." Richards responded "If you
10 feel that way you can walk out the door right now.
11 Well, I suppose I have been a little, but you're such a
12 cute little thing."
- 13 f. Once Richards adjusted [redacted] twice in one day; once in
14 the morning and once in the afternoon. During the
15 second adjustment, Richards asked if she changed her
16 underwear during lunch.
- 17 g. Richards normally treated [redacted] with the aid of an
18 activator and a hand-held rubbing plate. According to
19 [redacted] the rubbing plate always "squeaked" when it
20 passed over her buttocks and that Richards would spend
21 long periods of time rubbing her thighs and buttocks
22 even though she complained of no pain in those areas.

23 7.

24 Richards admits that some or all of the allegations alleged
25 above, if proven, could constitute violations of
26 ORS 684.100(1)(g)(A) and OAR 811-35-005(6), in that they would
represent a pattern of conduct which is unprofessional in that it
does or might constitute a danger to a patient or the public and
would demonstrate Richards' failure to respect the rights of his
patients as individuals and to conduct himself accordingly.
Richards admits that the OBCE could make findings that Richards
has committed one or more of the alleged violations based on
substantial evidence in the record.

///

The OBCE and Richards stipulate and agree that this disciplinary action may be concluded by the entry of this Stipulated Final Order on the following terms:

- (a) Richards's license to practice chiropractic in the state of Oregon is suspended for 30 days, beginning 12:01 a.m. December 9, 1994. During the 30-day suspension, Richards may not practice chiropractic, including advising other health-care providers regarding the treatment of patients, discussing health issues with patients or being on the premises of his clinic during business hours.
- (c) Richards agrees to pay a \$3,500 civil penalty for the above violations, to be paid ten (10) days after entry of this order.
- (d) Richards agrees to the imposition of a limitation on Richards' license requiring that Richards have a female attendant with him at all times during the treatment of any female patient, except in cases of medical emergency where a patient's life is at risk.
- (e) Richards agrees to the imposition of two years of probation, under which if any other patient complaints against Richards during the probation period are proven after a contested case that his license may be revoked.
- (f) Richards agrees to attend and provide proof of attendance to the OBCE, of 15 hours of continuing education on "boundary issues" above and beyond that which is required by law to remain licensed under ORS chapter 684 by December 8, 1995. Said classes are to be pre-approved by the OBCE and are to be completed within one year of the entry of this Order.

If the OBCE finds, after a contested case hearing, that Richards has violated any of the terms of this Stipulation, that

///

///

///

1 violation shall constitute grounds for revocation and Richards's
2 license may be immediately revoked.

3
4 ~~IT IS~~ *sh* STIPULATED

5 Original signature on file
at the OBCE office.

6 Thomas C. Richards, D.C.

12-9-94

DATE

7 Original signature on file
at the OBCE office.

8 CHRISTIE JOACHIM, ~~CHAIR~~ *Exec. Director*
9 OREGON BOARD OF CHIROPRACTIC EXAMINERS

12-13-94

DATE

10
11 Original signature on file
at the OBCE office.

12 Richard M. Walsh, OSB #86313
13 Attorney for Thomas C. Richards, D.C.

12-9-94

DATE

14
15
16
17
18
19
20
21
22
23
24
25
26 JKS:jks:ros/JGG0AC6D

BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS

FOR THE STATE OF OREGON

In the Matter of the License of)
THOMAS C. RICHARDS, D.C.) EMERGENCY SUSPENSION ORDER

1.

The Oregon Board of Chiropractic Examiners (Board) hereby suspends the license of Thomas C. Richards, D.C., (Licensee) to practice chiropractic effective upon service of a copy of this order on Licensee. The practice of chiropractic includes, but is not limited to:

- a) ordering, directing, or suggesting the method of chiropractic treatment to be implemented for a patient to any licensed person, ancillary personnel, or to any other person;
- b) interviewing or discussing with patients or potential patients information connected with the patient's health care;
- c) operating, calibrating, or positioning any X-ray or any other examining equipment or instruments on or near a patient;
- d) producing or completing chart notes, records, or other reports concerning a patient;
- e) however, nothing in this order precludes the Licensee from billing his accounts receivable.

2.

Licensee is suspended for the following actions involving unprofessional conduct, including sexual impropriety, during the treatment of female patients and and the employment of female employee

///

///

1 a. were patients of Licensee and were
2 being treated for injuries sustained in an auto accident. was
3 treated between July 7, 1993 and September 29, 1993. was
4 treated between July 8, 1993 and August 17, 1993.

5 b. During her second visit, Licensee told that
6 "You are a good looking woman. You could have anyone. I'm all that
7 you need." He also said, "you've been sexually abused before,
8 haven't you? I can recognize the signs." had been the subject
9 of prior sexual abuse, but was not seeking Richard's treatment for
10 that condition.

11 c. During subsequent appointments, Licensee asked
12 if her boyfriend had spent the night; if they had engaged in sexual
13 intercourse; if she enjoyed sex with her boyfriend; and if her
14 boyfriend was "good" sexually. During one of the visits, he told her
15 that her boyfriend was black, ugly and not good enough for her.
16 Further, he told her, "You don't need him. People will stare.
17 You'll look like that kind of woman if you're seen in the mall with
18 him. People know what women are looking for in a black guy."

19 d. On another occasion, Licensee told that her
20 church was her problem; that it was a bad church and that she
21 needed to leave it. He told her that she didn't need a church; he
22 was all she needed.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 e. As a result of her complaint of hip pain, Licensee
2 treated groin area. During these treatments, Licensee
3 stretched the leg opening of her underpants, exposing her vaginal
4 area without clinical justification. During one of these treatments
5 Licensee complained about underpants and pantyhose, telling
6 her that she didn't need panties and that she should wear clothing
7 without anything on underneath.

8 f. During the course of treating Licensee engaged
9 in multiple acts of inappropriate touching involving breast
10 and buttocks.

11 g. Female patient 14 year old daughter of
12 was treated by Licensee between July 8, 1993 and August 17, 1993
13 for injuries sustained in an auto accident. During treatment,
14 Licensee asked personal questions, dwelling upon her menstrual
15 periods. At no time was the subject of a gynecological
16 examination.

17 h. During the course of treating Licensee
18 engaged in multiple incidents of inappropriate touching involving
19 buttocks.

20 i. During some of their appointments,
21 attempted to remain in one treatment room together to avoid being
22 treated alone by Licensee. Licensee became angry at the suggestion
23 and insisted that they be treated in separate rooms.

24 j. Female was employed by Express Services on
25 August 23, 1993, to provide clerical services in Licensee's clinic.
26 During her employment she was also a patient. Her employment and
27 treatment by Licensee was terminated on October 18, 1993.
28

1 k. During employment interview with Licensee,
2 he asked her the following questions.

- 3 1) Are you married?
- 4 2) Do you have a boyfriend?
- 5 3) Are you in love with him?
- 6 4) Is he a good lover?

7 l. During her employment, Licensee pulled on the front
8 of sweater and said, "I don't like sweaters; they hide
9 everything." Further, he remarked that he liked her turtleneck
10 blouse "because its tight."

11 m. On more than one occasion, Licensee engaged in
12 inappropriate touching, involving breasts. Even though
13 complained about the inappropriate touching, Licensee acted as
14 though nothing had happened, and repeated the conduct later.

15 3.

16 The above described acts of the Licensee constitute
17 unprofessional conduct which does or might constitute a serious
18 danger to the public if the licensee is allowed to practice
19 chiropractic before a hearing may be held. The above acts are in
20 violation of ORS 684.100(1)(g)(A) and OAR 811-35-005(6) in that
21 they are unprofessional. Therefore, the Board is authorized and
22 does immediately suspend Licensee's license pursuant to ORS
23 183.430(2) and ORS 684.100.

24 ///

25 ///

26 ///

27 ///

28 ///

2 Pursuant to ORS 183.430(2) and OAR 137-03-010 (the Attorney
3 General's Model Rules of Procedure), Licensee has the right, if
4 Licensee requests, to have a hearing as soon as practicable to
5 contest this suspension order. Such a request must be made in
6 writing and must be received in the Board's office no more than 90
7 days after the effective date of this notice. If not so received,
8 Licensee's right to receive a hearing under ORS chapter 183 will be
9 waived. If Licensee timely requests a hearing, the hearing could be
10 consolidated with any other Board proceeding affecting the
11 Licensee. The procedures for a consolidated hearing shall be those
12 applicable to the other proceeding affecting the license. Licensee
13 may elect to be represented by counsel and to respond and present
14 evidence and argument on all issues involved. If Licensee requests
15 a hearing, the procedures governing such a hearing will be provided
16 to the Licensee prior to the date, time and place of hearing.

17 DATED this 24 day of November, 1993.

18 OREGON BOARD OF CHIROPRACTIC EXAMINERS

19 Original signature on file
20 at the OBCE office.
21 By: Christie Joachim, Executive Director