

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	Case # 2022-5021
)	
)	
Landyn Shanks,)	FINAL DEFAULT ORDER
D.C.,)	
)	
)	
_____)	

The Oregon Board of Chiropractic Examiners (Board) is the state agency responsible for licensing, regulating, and disciplining chiropractic physicians in the State of Oregon. Landyn Shanks, D.C. (Licensee), is currently licensed by the Board to practice as a chiropractic physician in Oregon and is subject to the jurisdiction of the OBCE.

FINDINGS OF FACT

1.

On or about September 14, 2022, the Board became aware that Licensee was practicing chiropractic from her residence out of the garage where she lived at 1110 Redtail Loop, Hood River, Oregon. There were concerns for patient privacy and following HIPAA laws.

The Board notified Licensee of the complaint and asked for a written response. During the investigation, the Board became aware that the City of Hood River Code Enforcement were also involved in the same facts alleged in its complaint, had performed an investigation, and had told Licensee to cease and desist practicing a chiropractic business out of her residence due to violations of city code in September 2022.

Investigation found that Licensee was providing chiropractic treatment from her open garage area, visible to the street, and individuals passing by could overhear health care discussions and view patient treatments between Licensee and her patients.

On December 1 and December 9, 2022, the Board investigator requested, in writing, that Licensee provide documents in her possession from the City of Hood River Code Enforcement. On December 12, 2022, Licensee responded with a request as to how the city code enforcement related to the complaint, and after two written requests, failed to provide that information to the Board during the investigation.

During her Board interview, Licensee claimed to have read to the investigator the entirety of the City of Hood River Code Enforcement letter. However, Licensee failed to read that she had been requested to cease and desist practice and was in violation of city codes. The Board received the city code information which revealed Licensee had been told to cease and desist practicing chiropractic from her home and warning her that she was in violation of city codes on September 29, 2022.

2.

During a board interview regarding another case on October 12, 2022, Licensee was asked if she practiced chiropractic treatment in her home and stated no in response. During the Board interview in this matter, Licensee was asked why she had not been truthful to the investigator about practicing from her home. Licensee denied lying to the investigator and said she didn't mention it because she didn't believe it was relevant to the matter.

3.

On February 27, 2023, the Board served Licensee with a Proposed Notice of Discipline that included that a request for hearing was due within 30 days. The notice also stated that the Board record would be used as prima facie evidence for purposes of default. On March 20, 2023, Licensee wrote a letter to the Board, stating that she planned to relinquish her license, but did not request a hearing. On April 3, 2023, Licensee confirmed she did not request a hearing. Licensee is now in default.

CONCLUSIONS OF LAW

4.

In section one above, Licensee was asked on two occasions to provide documentation from the city and failed to provide that information. Licensee attempted to conceal and never provided the City of Hood River Code Enforcement warnings during the investigation of the case by the OBCE Investigator. Licensee failed to provide information to the Board and failed to cooperate with an ongoing investigation. This conduct violates ORS684.100(1)(f)(A), and OAR 811-035-0015(20) and (21). In section two above, Licensee's deceit about whether she was providing chiropractic treatment from her garage during a prior Board interview, is being untruthful during an ongoing Board investigation, and failing to completely answer a question from the Board during an investigation, in violation of ORS 684.100(1)(f)(A) and OAR 811-035-0015(21) and (22).

ORDER

5.

For the conduct referenced above, and Licensee in default, the Board orders the following:

1. Licensee is assessed a civil penalty of \$10,000, \$5,000 per violation, payable to the Board within 90 days this order becomes final.
2. Licensee is prohibited from providing chiropractic treatment from any location that is not compliant with patient privacy rights and HIPAA requirements.
3. Failure to make timely payment could result in further discipline, up to and including, revocation of license.

Pursuant to ORS 293.231 the Board will refer the amounts owed to collection if it has received no payment on the account for more than 90 days. Thereafter, the Board will consider assignment to the Oregon Department of Revenue or a private collection agency for collection. Final fees may include additional percentages of any increase in the amount you owe due to the accrual of interest on the unpaid principal amount.

DATED this 6th day of April, 2023.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Signatures held on file in the OBCE office.

By: _____
Cassandra C. McLeod-Skinner, J.D.
Executive Director

Appeal Rights:

You are entitled to judicial review of this order in accordance with ORS Chapter 183.480. You may request judicial review by filing a petition in the Court of Appeals in Salem, Oregon within 60 days from the date of this order.

CERTIFICATE OF SERVICE

I, Cassandra C. McLeod-Skinner, certify that on April 6, 2023, I served the foregoing Final Default Order upon Licensee, the party hereto, by mailing, postage prepaid, and by email to Licensee, a true, exact and full copy thereof to:

Landyn Shanks
1115 Redtail Loop
Hood River OR 97031
lshanksdc@gmail.com

Signatures held on file in the OBCE office.

Cassandra C. McLeod-Skinner, JD
Executive Director
Oregon Board of Chiropractic Examiners

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	Case # 2022-5021
)	
)	
Landyn Shanks,)	NOTICE OF
D.C.,)	PROPOSED DISCIPLINE
)	
_____)	

The Oregon Board of Chiropractic Examiners (Board) is the state agency responsible for licensing, regulating, and disciplining chiropractic physicians in the State of Oregon. Landyn Shanks, D.C. (Licensee), is currently licensed by the Board to practice as a chiropractic physician in Oregon and is subject to the jurisdiction of the OBCE. The Board finds that Licensee should be disciplined based on the following:

1.

On or about September 14, 2022, the Board became aware that Licensee was practicing chiropractic out of her home's garage in Hood River, Oregon. There were concerns for patient privacy and following HIPAA laws.

The Board notified Licensee of the complaint and asked for a written response. During the investigation, the Board became aware the City of Hood River Code Enforcement was also involved in the same facts alleged in their complaint, had performed an investigation, and had told Licensee to cease and desist practicing a chiropractic business out of her residence due to violations of city code in September 2022.

Investigation found that Licensee was providing chiropractic treatment from her open garage area, visible to the street, and passersby could overhear health care discussions and view patient treatments between Licensee and her patients.

On December 1 and December 9, 2022, the Board investigator requested, in writing, that Licensee provide documents in her possession from the City of Hood River Code Enforcement. On December 12, 2022, Licensee responded with a request as to how the city code enforcement related to the complaint, and after two written requests, failed to provide that information to the Board during the investigation.

During her Board interview, Licensee claimed to have read to the investigator the entirety of the City of Hood River Code Enforcement letter. However, Licensee failed to read that she had been requested to cease and desist practice and was in violation of city codes. The Board received the city code information which revealed Licensee had been told to cease and desist practicing chiropractic from her home and warning her that she was in violation of city codes on September 29, 2022.

2.

During a board interview regarding another case on October 12, 2022, Licensee was asked if she practiced chiropractic treatment from her home and stated no in response. During the Board interview in this matter, Licensee was asked why she had not been truthful to the investigator about practicing from her home. Licensee denied lying to the investigator and said she had said no because she didn't believe it was relevant to that matter.

3.

In paragraph one, above, Licensee was asked on two occasions to provide documentation from the city and failed to provide that information. Licensee attempted to conceal evidence and information and never provided the City of Hood River Code Enforcement warnings during the investigation of the case by the investigator. Licensee failed to provide information to the Board and failed to cooperate with an ongoing investigation. This conduct violates ORS684.100(1)(f)(A), and OAR 811-035-0015(20) and (21).

In paragraph two, above, Licensee's deceit about whether she was providing chiropractic treatment from her garage during a prior Board interview, was being untruthful during an ongoing Board investigation, and failing to completely answer a question from the Board during an investigation, in violation of ORS 684.100(1)(f)(A) and OAR 811-035-0015(21) and (22).

4.

For this conduct referenced above, the Board proposes the following:

1. Licensee is assessed a civil penalty of \$10,000; \$5,000 per violation, payable to the Board within 90 days this order becomes final.
2. Licensee is prohibited from providing chiropractic treatment from any location that is not compliant with patient privacy rights and HIPAA requirements.
3. Failure to make timely payment could result in further discipline, up to and including revocation of license.

Pursuant to ORS 293.231, the Board will refer the amounts owed to collection if it has received no payment on the account for more than 90 days. Thereafter, the Board will consider assignment to the Oregon Department of Revenue or a private collection agency for collection. Final fees may include additional percentages of any increase in the amount you owe due to the accrual of interest on the unpaid principal amount.

5.

The Board proposes to assess against Licensee all of the Board's costs of this disciplinary process and action, including but not limited to all legal costs from the Department of Justice, all hearing costs from the Office of Administrative hearings, all costs associated with any expert or witness, and all administrative costs specific to this proceeding, in an amount not to exceed \$150,000, pursuant to ORS 684.100(9)(g), in addition to any interest accrued at the legal rate allowed and any and all costs related to collections.

6.

NOTICE OF HEARING RIGHTS

Licensee has the right, if Licensee requests, to have a formal contested case hearing before the OBCE or the 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.

7.

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.

8.

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.

9.

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.

10.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS:

Active duty service members have a right to stay these proceedings under the federal Service Members Civil Relief Act. For more information contact the Oregon State

Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest
United States Armed Forces Legal Assistance Office through
<http://legalassistance.law.af.mil>.

DATED this 27th day of February, 2023.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Signatures held on file in the OBCE office.

By: _____
Cassandra C. McLeod-Skinner, J.D.,
Executive Director

CERTIFICATE OF SERVICE

I, Cassandra C. McLeod-Skinner, certify that on February 27, 2023, I served the foregoing Notice of Proposed Discipline upon Licensee, the party hereto, by email and by mailing, postage prepaid, a true, exact and full copy thereof to:

Landyn Shanks
1115 Redtail Loop
Hood River OR 97031
lshanksdc@gmail.com

Signatures held on file in the OBCE office.

Cassandra C. McLeod-Skinner, JD
Executive Director
Oregon Board of Chiropractic Examiners