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**BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON**

6 In the Matter of)
7) **STIPULATED FINAL ORDER**
8 Richard Shaw, DC)
9) (Civil Penalty)
10)
11 Respondent.) Case # 2019-3000, 2019-1002
12
13

14 The Board of Chiropractic Examiners (Board) is the state agency responsible for
15 licensing, regulating, and disciplining chiropractic physicians in the State of Oregon. Richard
16 Shaw, D.C. (Respondent) is not currently licensed by the Board to practice as a chiropractic
17 physician in the State of Oregon.
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20 1. Findings of Fact
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22 On December 11, 2017, Respondent applied for a chiropractic license with the Board.
23 That application was pending when he opened the clinic and began treating patients, as indicated
24 below.
25

26 In January 2019, the Board became aware that Respondent had opened a clinic, Oregon
27 Regenerative Stem Cell Medical Center, located in Wilsonville, Oregon, and was employing
28 other medical health related license holders to perform various medical functions at the clinic.
29 The advertisement for the clinic indicated that patients would be receiving stem cell injections.
30 Respondent was heavily advertising to various groups offering these services in the Portland
31 area. When this occurred, Respondent did not hold an active Oregon chiropractic license.
32

33 Investigation revealed that the Wilsonville location had the name of an Oregon physician
34 assistant and "Richard Shaw DC, LLC" on the door. It also advertised a website address:
35 www.northweststemcell.com on the door. A chiropractic adjusting table could be seen in the
36 office from the front door.
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38 It was discovered that Respondent was utilizing the x-ray equipment in a neighboring
39 chiropractic clinic and had represented to that chiropractor that he (Respondent) was going to be
40 opening up a clinic to do stem cell treatment.
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4 Respondent hired medical professionals and was the owner of the clinic. For patients, the
5 initial visit to the clinic was complementary and they would be shown a power point presentation
6 about stem cells and then would receive x-rays, as recommended by Respondent. Respondent
7 indicated in his presentation that the stem cell would stimulate repair of their condition with
8 minimal side effects. Respondent would then consult with the patient and tell them they were a
9 good candidate for stem cell injections and urge them to put a deposit down on the consultation.
10 Most of the patients were elderly and had complicated and/or multiple medical issues. Many
11 were signed up with Care Credit to finance their injections. Most of the treatment cases ranged
12 from \$4,000 to \$10,000 in cost. Many of the patients were found from "Patient Pop,"
13 "Facebook," and other on line providers.
14

15 The other medical professionals described that Respondent would perform a very cursory
16 examination, consisting of visual inspection, sometimes a gait analysis, and some palpation.
17 Respondent would direct care of the patients to be performed by the other medical professionals
18 and they would perform the injections. The other medical professionals also questioned what the
19 material was that was being injected into the patients and did some limited research on that
20 substance.
21

22 At one point, Respondent purchased and installed a C arm x-ray machine and also
23 performed radiology in the office when the patients were examined. After Respondent hired
24 additional staffing, a medical assistant would often take images of the patient with the x ray
25 machine without any appropriate training or certification. The investigation did not reveal any
26 certifications for the x-ray machines or the staff taking the x-rays.
27

28 The other medical professionals told the Board that Respondent was reluctant to keep
29 medical records on the patients and told them that it was not necessary because the initial consult
30 was complementary.
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32 3.
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34 The Board obtained some fragments of medical charts from patients that received
35 treatment from Respondent.
36

37 Through information gained via subpoena, the Board obtained x-ray log information from
38 the neighboring chiropractic physician. This revealed between 65-70 different patients who
39 obtained x- rays from Respondent.
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41 During the investigation, the Board received calls from patients interested in receiving
42 refunds for their injections as the injections did not provide the result that they were expecting
43 and did not improve their medical conditions.
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A search of the Secretary of State information shows that the Oregon Regenerative Stem Cell Medical Center was incorporated by Respondent as an LLC and lists him as the owner/organizer. When listing the type of business, the Secretary of State forms indicate "chiropractors."

The Board found that Respondent owned a clinic in Wilsonville that was offering joint injections and office visits for patients with osteoarthritis. Respondent claimed the injections were done by medical staff and denied examining or treating any patients. The Board found that Respondent took x-rays of a few patients and that Respondent did not hold a valid Oregon chiropractic license. Respondent indicated that the clinic stopped seeing patients on March 4, 2019. The clinic subsequently closed.

Respondent denies the Board's Findings of Fact, with exception of the following: on December 11, 2017 he applied for a chiropractic license with the Board; while that application was pending he opened the clinic; Respondent was the owner of the clinic; he hired medical professionals; the clinic stopped seeing patients on March 4, 2019 and subsequently closed.

Conclusions of Law

5.

The Board finds, and respondent denies, that Respondents conduct was in violation as follows:

At the time he owned a clinic in Oregon, Respondent was not a licensed chiropractic physician in the State of Oregon. He solicited patients for treatment and provided x-rays to them while offering stem cell injections for their medical conditions. Respondent provided the patients a power point presentation that stated that stem cell injections were a new choice of treatment of osteoarthritis. At that time, Respondent held no other health regulatory licenses or certificates in the State of Oregon. Respondent was the owner of Oregon Regenerative Stem Cell Medical Clinic and was maintaining business in Oregon to perform chiropractic techniques as described by ORS 684.010(2). This violates ORS 684.100(1)(f)(A) and (h) and OAR 811-035-0015(14). Respondent did not consider the health and welfare of the patients, in violation of OAR 811-035-0005(1).

In addition, Respondent was advertising online at www.northweststemcell.com that a patient could receive stem cell treatment and offering to book a consultation online. In the power point presentation provided to prospective patients, Respondent listed himself as "Richard Shaw DC." This is in violation of ORS 684.100(1)(C)(i), (n) and ORS 676.110(1)(a)-(b).

Respondent took x-rays on patients without having the appropriate training and certification required in the State of Oregon. That is a violation of ORS 684.100(1)(f)(A) and OAR 811-030-0030(1) and (2).

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2 The Board requires that owners of chiropractic clinics be licensed by a health regulatory
3 board in Oregon. Respondent acknowledged that he did not have an Oregon license when he
4 opened the business in Oregon without the required licensure. The Board finds that
5 Respondent's ownership of a chiropractic clinic, and work in Oregon, without holding an Oregon
6 license, is a violation of ORS 684.015(a), ORS 684.020(1), ORS 684.100(1), and OAR 811-010-
7 0120.

8 Stipulations

9 6.

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11 Therefore, pursuant to ORS 183.417(3) and ORS 684.100(9)(e) the OBCE orders:

- 12
13 1. The parties have agreed to enter this stipulated final order. Respondent agrees
14 that he is aware of his right to a hearing with his attorney present to contest
15 the charges and hereby waives that right and agrees to entry of this order.
16 Licensee agrees to waive any right to appeal. In lieu of proceeding to the
17 contested case hearing, the parties wish to settle and resolve the above matter
18 without further proceedings.
19
20 2. Respondent agrees that he will not apply for chiropractic licensure in the state
21 of Oregon.
22
23 3. Respondent agrees to pay a civil penalty in the sum of \$25,000, payable in 9
24 installments of \$2,777 each the first 8 months and a final payment of \$2784,
25 to be fully paid within 9 months of order becoming final.
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27 4. The Board agrees to waive assessment of costs for the disciplinary proceeding
28 against Respondent in this case.
29
30 5. If Respondent violates any of the terms of this order, it may result in further
31 discipline pursuant to ORS 684.100.
32
33 5. This document is a public document and is reportable to the NPDB.
34
35 6. This order is effective on the date signed by the Board and is a public record.

36 IT IS SO ORDERED this 19th day of February, 2020.

37
38 **BOARD OF CHIROPRACTIC EXAMINERS**

39 State of Oregon

40 Original signatures are on file in OBCE administrative office.

41
42 By:

43 Cassandra C. McLeod-Skinner, J.D.

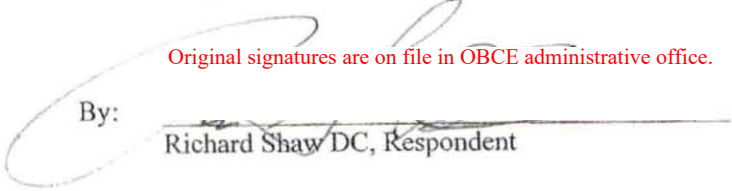
44 Executive Director

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Oregon Board of Chiropractic Examiners

Original signatures are on file in OBCE administrative office.

By:


Richard Shaw DC, Respondent

1
2 **BEFORE THE**
3 **BOARD OF CHIROPRACTIC EXAMINERS**
4 **STATE OF OREGON**

5
6 In the Matter of)
7) **NOTICE OF PROPOSED**
8 Richard Shaw, DC) **DISCIPLINARY ACTION**
9) (Civil Penalty)
10)
11 Respondent.) **Case # 2019-3000, 2019-1002**
12
13

14 The Board of Chiropractic Examiners (Board) is the state agency responsible for
15 licensing, regulating, and disciplining chiropractic physicians in the State of Oregon. Richard
16 Shaw, D.C. (Respondent) is not currently licensed by the Board to practice as a chiropractic
17 physician in the State of Oregon.
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19 1. Background
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21 In January 2019, the Board became aware that Respondent had opened a clinic, Oregon
22 Regenerative Stem Cell Medical Center, located in Wilsonville, Oregon, and was employing
23 other medical health related license holders to perform various medical functions at the clinic.
24 The advertisement for the clinic indicated that patients would be receiving stem cell injections.
25 Respondent was heavily advertising to various groups offering these services in the Portland
26 area. When this occurred, Respondent did not hold an active Oregon chiropractic license.
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28 Investigation revealed that the Wilsonville location had the name of an Oregon physician
29 assistant and "Richard Shaw DC, LLC" on the door. It also advertised website address;
30 www.northweststemcell.com on the door. A chiropractic adjusting table could be seen in the
31 office from the front door.
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33 It was discovered that Respondent was utilizing the x-ray equipment in a neighboring
34 chiropractic clinic and had represented to that chiropractor that he (Respondent) was going to be
35 opening up a clinic to do stem cell treatment.
36

37 2.
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39 From other medical professionals hired by Respondent, the Board discovered that
40 Respondent was hiring various medical professionals and was the owner of the clinic. For
41 patients, the initial visit to the clinic was complementary and they would be shown a power point
42 presentation about stem cells and then would receive x-rays. Respondent would then consult
43 with the patient and tell them they were a good candidate for stem cell injections and urge them
44 to put a deposit down on the consultation. Most of the patients were elderly and had complicated

1 and/or multiple medical issues. Many were signed up with Care Credit to finance their
2 injections. Most of the treatment cases ranged from \$4,000 to \$10,000 in cost. Many of the
3 patients were found from "Patient Pop," "Facebook," and other on line providers.
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6 examination, consisting of visual inspection, sometimes a gait analysis, and some palpation.
7 Respondent would direct care of the patients to be performed by the other medical professionals
8 and they would perform the injections. The other medical professionals also questioned what the
9 material was that was being injected into the patients and did some limited research on that
10 substance.
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13 performed radiology in the office when the patients were examined. After Respondent hired
14 additional staff, a medical assistant would often take images of the patient with the x ray
15 machine without any appropriate training or certification. The investigation did not reveal any
16 certifications for the x-ray machines or the staff taking the x-rays.
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19 medical records on the patients and told them that it was not necessary because the initial consult
20 was complementary.
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24 The Board obtained some fragments of medical charts from patients who received
25 treatment from Respondent.
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27 Through information gained via subpoena, the Board obtained x-ray log information from
28 the neighboring chiropractic physician. This revealed between 65-70 different patients who
29 obtained x- rays from Respondent.
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31 During the investigation, the Board received calls from patients interested in receiving
32 refunds for their injections as the injections did not provide the result that they were expecting
33 and did not improve their medical conditions.
34

35 4.
36

37 On December 11, 2017, Respondent applied for a chiropractic license with the Board.
38 That application was pending when he opened the clinic and began treatment on the above
39 patients.
40

41 A search of the Secretary of State information shows that the Oregon Regenerative Stem
42 Cell Medical Center was incorporated by Respondent as an LLC and lists him as the
43 owner/organizer. When listing the type of business, the Secretary of State forms indicate
44 "chiropractors."

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2 In his response to Board investigators, Respondent admitted that he owned a clinic in
3 Wilsonville that was offering joint injections and office visits for patients with osteoarthritis.
4 Respondent stated that the injections were done by medical staff and he denied examining or
5 treating any patients. Respondent admitted to taking x-rays of a few patients. Respondent also
6 admitted he did not hold an Oregon chiropractic license. Respondent indicated that the clinic
7 stopped seeing patients on March 4, 2019. The clinic subsequently closed.

8 9 5. Violations

10
11 At the time he owned a clinic in Oregon, Respondent was not a licensed chiropractic
12 physician in the State of Oregon. He solicited patients for treatment and provided x-rays to them
13 while offering stem cell injections for their medical conditions. Respondent provided the
14 patients a power point that stated that stem cell injections were a new choice of treatment of
15 osteoarthritis. At that time, Respondent held no other health regulatory licenses or certificates in
16 the State of Oregon. Respondent was the owner of Oregon Regenerative Stem Cell Medical
17 Clinic and was maintaining business in Oregon to perform chiropractic techniques as described
18 by ORS 684.010(2). This violated ORS 684.100(1)(f)(A) and (h) and OAR 811-035-0015(14).
19 Respondent did not consider the health and welfare of the patients, in violation of OAR 811-035-
20 0005(1).

21
22 In addition, Respondent was advertising on line at www.northweststemcell.com that a
23 patient could receive stem cell treatment and offering to book a consultation online. In the
24 power point presentation provided to prospective patients, Respondent listed himself as "Richard
25 Shaw DC." This is in violation of ORS 684.100(1)(C)(i), (n) and ORS 676.110(1)(a)-(b).

26
27 Respondent took x-rays on patients without having the appropriate training and
28 certification required in the State of Oregon, in violation of ORS 684.100(1)(f)(A) and OAR
29 811-030-0030(1) and (2).

30
31 The Board requires that owners of chiropractic clinics be licensed by a health regulatory
32 board in Oregon. Respondent acknowledged that he did not have an Oregon license when he
33 opened the business in Oregon without the required licensure. The Board finds that
34 Respondent's ownership of a chiropractic clinic, and work in Oregon, without holding an Oregon
35 license, in violation of ORS 684.015(a), ORS 684.020(1), ORS 684.100(1), and OAR 811-010-
36 0120.

37 38 6. Penalty

39
40 Due to the aforementioned violations, the OBCE proposes to require Respondent to pay a
41 civil penalty in the **sum of \$10,000** to the Board. In addition, for the 75 patients who received x
42 rays from Respondent, the Board proposes to issue a fine of \$500 each, which **totals \$37,500**,
43 pursuant to ORS 684.100(9). Payment of the civil penalties is due within 120 days of this order
44 becoming final.

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

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11 8.
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13 Respondent has the right, if Respondent requests, to have a formal contested case hearing
14 before the Office of Administrative Hearings to contest the matter set out above. At the hearing,
15 Respondent may be represented by an attorney and subpoena and cross examine witnesses. That
16 request for hearing must be made in writing to the OBCE, must be received by the OBCE within
17 30 days from the mailing of this notice (or if not mailed, the date of personal service), and must
18 be accompanied by a written answer to the charges contained in this notice.

19
20 9.
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22 The answer shall be made in writing to the OBCE and shall include an admission or
23 denial of each factual matter alleged in this notice, and a short plain statement of each relevant
24 affirmative defense Respondent may have. Except for good cause, factual matters alleged in this
25 notice and not denied in the answer will be considered a waiver of such defense; new matters
26 alleged in this answer (affirmative defenses) shall be presumed to be denied by the agency and
27 evidence shall not be taken on any issue not raised in the notice and answer.

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31 If Respondent requests a hearing, before commencement of that hearing, Respondent will
32 be given information on the procedures, rights of representation and other rights of the parties
33 relating to the conduct of the hearing as required under ORS 183.413-415.

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37 If Respondent fails to request a hearing within 30 days, or fails to appear as scheduled at
38 the hearing, the OBCE may issue a final order by default and impose the above sanctions against
39 Respondent. Upon default order of the Board or failure to appear, the contents of the Board's
40 file regarding the subject of this automatically become part of the evidentiary record of this
41 disciplinary action upon default for the purpose of proving a prima facie case.

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 5th day of August, 2019.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signatures are on file in OBCE administrative office.

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

1 VERIFICATION

2
3 State of Oregon)
4 County of Marion) Case # 2019-3000, 2019-1002
5

6 I, Cassandra C. McLeod-Skinner, being first duly sworn, state that I am the
7 Executive Director of the Board of Chiropractic Examiners of the State of Oregon, and as such, am
8 authorized to verify pleadings in this case: and that the foregoing Notice is true to the best of my
9 knowledge as I verily believe.

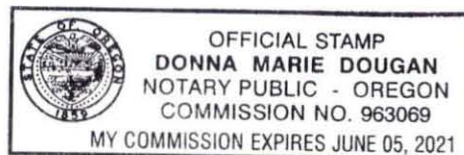
10 Original signatures are on file in OBCE administrative office.

11
12 _____
13 Cassandra C. McLeod-Skinner, JD
14 EXECUTIVE DIRECTOR
15 OREGON BOARD OF CHIROPRACTIC EXAMINERS

16 SUBSCRIBED AND SWORN to before me
17 this 2nd day of August, 2019.

18 Original signatures are on file in OBCE administrative office.

19
20 NOTARY PUBLIC FOR OREGON U
21 My Commission Expires: 6-5-2021



1
2 **CERTIFICATE OF SERVICE**
3

4 I, Cassandra C. McLeod-Skinner, certify that on August 5, 2019, I served the
5 foregoing Notice of Proposed Disciplinary Action upon Licensee, the party hereto, by email to
6 counsel and by mailing, postage prepaid, a true, exact and full copy thereof to:

7
8 Richard Shaw DC
9 19 Wilveliscombe
10 New Albany OH 43054

11
12 Adina Matasaru
13 Matasaru Law
14 1500 SW 1st Avenue
15 Suite 800
16 Portland OR 97201-5824
17 adina@matasarulaw.com
18
19
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21

22
23 Original signatures are on file in OBCE administrative office.
24

25 _____
26 Cassandra C. McLeod-Skinner, JD
27 Executive Director
28 Oregon Board of Chiropractic Examiners
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