

3.

During the investigation of Patient 1's treatment, the Board became aware that Licensee had previous complaints at his prior place of employment in Corvallis, Oregon where he was a chiropractor. These complaints were similar to Patient 1's. Upon further review, the Board became aware that Licensee had 5 patients approach the managing chiropractor to complain about Licensee slipping his hand under underwear and dresses while providing treatment. Only the names of two patients were found by the managing chiropractor. Licensee's employment was terminated in that clinic due to these complaints.

4.

Patient 2 recalled that in Corvallis in 2007 Licensee made a comment about her legs being strong that made her uncomfortable. She also recalled that Licensee put his hands underneath her dress during treatment, putting his hand on her hip and slid his hand down to her knee. She felt shocked by this and remained silent. After a week or so, she called the managing chiropractor to report this.

5.

Patient 3 saw Licensee in Corvallis in 2008 on only one occasion. Licensee asked her to unzip her fly, which she did, and he slipped her pants down a few inches. He began to rub her back for a bit, then slipped his hand under her underwear, and Patient 3 felt one of his fingers slip into her anal cleft. She immediately told him to stop, wherein Licensee stepped back and seemed embarrassed according to Patient 3. She waited 1 month before reporting to the managing chiropractor.

In an interview with the Board, Licensee recalled a female patient claiming that he went down her pants but couldn't recall the other complaints. Licensee denied that there was a sexual component to his actions but couldn't explain why they occurred either. At the writing of this order, the Benton County District Attorney was investigating whether any criminal charges would be filed in relation to Licensee's conduct with Patients 2 and 3.

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6.

On August 5, 2010, Licensee was sent by certified mail, the Proposed Notice of Suspension. In that notice, Licensee was notified that he needed to request a hearing in writing within 30 days. Licensee signed for that certified mail on August 10, 2010. In the notice, Licensee was also notified that the records herein of the Board would be used as prima facie evidence for purposes of a default order. Licensee failed to timely request a hearing.

Conclusions of Law

7.

The Board finds that Licensee's conduct as described herein constitutes unprofessional conduct that puts the public at risk. Licensee's conduct, in regards to Patients 1, 2 and 3 constitutes violations of ORS 684.100 (1)(f)(A); and OAR 811-035-0015(1)(a)-(e). The Board finds that there was a doctor/patient relationship with Patients 1, 2 and 3 prior to sexual contact and/or any boundary violations and that the doctor/patient relationship had not been appropriately terminated prior to sexual contact or boundary violation pursuant to OAR 811-010-0005(4). Licensee has also received a conviction of a felony or misdemeanor involving moral turpitude in violation of ORS 684.100(1)(d).

Order

8.

Due to the aforementioned violations, the OBCE orders an **indefinite suspension** of Licensee's chiropractic license per the criminal conviction probation requirements. After Licensee has completed his probationary period, and only if he completed his probation within the requirements, Licensee may apply to be released from his suspension. In order to be released from his suspension, Licensee will be required to show that he is not a current risk to the public, and provide to the Board a copy of a completed psychosexual evaluation from a Board Approved psychologist or psychiatrist and a substance abuse evaluation both of which indicates that Licensee is able to competently practice chiropractic without any additional treatment or risk to the public. Licensee must attend and complete the PROBE ethics program at his own expense within six months and provide proof of completion of the program and a final report of completion to the Board within thirty days of completion. Licensee must also take and pass the NBCE Ethics and Boundary Examination within the next six months as well.

IT IS SO ORDERED

Dated this 16th of September 2010.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By:

Original signature on file at OBCE

Dave McTeague
Executive Director

Certificate of Service

I, Dave McTeague, certify that on September 16, 2010 I served the foregoing Final Order by Default upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Robert Tallman, DC
2426 Pinebrook Circle
Medford, OR 97504

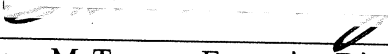
Original signature on file at OBCE

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners

State of Oregon) Case # 2010-1016
County of Marion) Robert Tallman 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 Final Order by Default 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

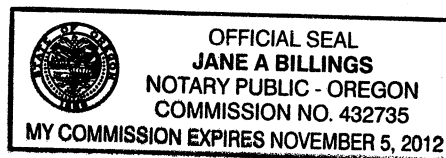
SUBSCRIBED AND SWORN to before me

this 16th day of Sept, 2010

Original signature on file at OBCE



NOTARY PUBLIC FOR OREGON
My Commission Expires: 11-5-2012



BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	NOTICE OF PROPOSED
Robert Tallman DC)	
License No; 3512)	DISCIPLINARY ACTION
)	(LICENSE SUSPENSION)
Licensee.)	Case # 2010-1016
_____)		

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. Robert Tallman DC (hereafter "Licensee"), is a licensed chiropractic physician in Oregon. The Board proposes to discipline Licensee for the following reasons:

1.

In May 2007, Patient 1 saw Licensee for hip pain in his clinic at Medford, Oregon. During the treatment, Licensee removed her pants and her underwear. Licensee also began to massage her hip, pushing his hand between her legs near her vagina. He told her "I'm going to get close" as he pushed between her legs. He was touching the sides of her vagina from between her legs. Licensee had her lay on her back. She was naked from the waist down. Licensee then began pushing on her pelvic area close to her vagina. Patient 1 was uncomfortable with this and it made her feel "sick." Patient 1 then reported the incident to the Medford Police on May 20, 2010.

Licensee admitted to pulling patient 1's pants down, palpating her pelvic region, not providing draping to her and failure to provide informed consent. He also admitted to pulling her underwear down. Licensee also admitted to nightly alcohol abuse at the time this occurred.

2.

Associate Tallman was charged with harassment and sex abuse III in Jackson County the week of June 21st and the Benton County District Attorney is currently investigating whether to issue criminal charges on the Corvallis patient's allegations.

3.

During the investigation of Patient 1's treatment, the Board became aware that Licensee had previous complaints at his prior place of employment in Corvallis, Oregon where he was a

chiropractor. These complaints were similar to Patient 1's. Upon further review, the Board became aware that Licensee had 5 patients approach the managing chiropractor to complain about Licensee slipping his hand under underwear and dresses while providing treatment. Only the names of two patients were found by the managing chiropractor. Licensee's employment was terminated in that clinic due to these complaints.

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Patient 2 recalled that in Corvallis in 2007 Licensee made a comment about her legs being strong that made her uncomfortable. She also recalled that Licensee put his hands underneath her dress during treatment, putting his hand on her hip and slid his hand down to her knee. She felt shocked by this and remained silent. After a week or so, she called the managing chiropractor to report this.

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Patient 3 saw Licensee in Corvallis in 2008 on only one occasion. Licensee asked her to unzip her fly, which she did, and he slipped her pants down a few inches. He began to rub her back for a bit, then slipped his hand under her underwear, and Patient 3 felt one of his fingers slip into her anal cleft. She immediately told him to stop, wherein Licensee stepped back and seemed embarrassed according to Patient 3. She waited 1 month before reporting to the managing chiropractor.

In an interview with the Board, Licensee recalled a female patient claiming that he went down her pants but couldn't recall the other complaints. Licensee denied that there was a sexual component to his actions but couldn't explain why they occurred either. At the writing of this notice, the Benton County District Attorney was investigating whether any criminal charges would be filed in relation to Licensee's conduct with Patients 2 and 3.

6.

The Board finds that Licensee's conduct as described herein constitutes unprofessional conduct that puts the public at risk. Licensee's conduct, in regards to Patients 1, 2 and 3 constitutes violations of ORS 684.100 (1)(f)(A); and OAR 811-035-0015(1)(a)-(e). The Board finds that there was a doctor/patient relationship with Patients 1, 2 and 3 prior to sexual contact and/or any boundary violations and that the doctor/patient relationship had not been appropriately terminated prior to sexual contact or boundary violation pursuant to OAR 811-010-0005(4). Licensee has also received a conviction of a felony or misdemeanor involving moral turpitude in violation of ORS 684.100(1)(d).

7.

Due to the aforementioned violations, the OBCE proposes to indefinitely suspend Licensee's chiropractic license until Licensee can provide a copy of a completed psychosexual evaluation from a Board Approved psychologist or psychiatrist and a substance abuse evaluation both of which indicates that Licensee is able to competently practice chiropractic without any

additional treatment or risk to the public; has attended, completed and provided proof of completion of the PROBE ethics program at his own expense and; has taken and passed the NBCE Ethics & Boundaries Examination.

8.

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

9.

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.

10.

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.

11.

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.

12.

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 August 5, 2010.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

By:

Original signature on file at OBCE


Dave McTeague
Executive Director

Certificate of Service

I, Dave McTeague, certify that on August 5, 2010, I served the foregoing Notice of Proposed Discipline upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Robert Tallman, DC
2426 Pinebrook Circle
Medford, OR 97504

Original signature on file at OBCE



Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners

State of Oregon) Case # 2010-1016
County of Marion) Robert Tallman 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 4th day of August, 2010

Original signature on file at OBCE

NOTARY PUBLIC FOR OREGON

My Commission Expires: 10-7-2011

