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BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

6 In the Matter of)
7) Case # 2022-2002
8 Michael Tarr, D.C.)
9)
10) **FINAL DEFAULT ORDER;**
11) **CIVIL PENALTY**
12 _____)
13

14 The Oregon Board of Chiropractic Examiners (Board or OBCE) is the state agency
15 responsible for licensing, regulating, and disciplining chiropractic physicians and certified
16 chiropractic assistants in the State of Oregon. Michael Tarr, D.C. (Licensee), is licensed by the
17 Board to practice as a chiropractic physician in Oregon.

18 Findings of Fact

19 1.

20 On October 11, 2022, the Board received a complaint concerning Licensee. The
21 complaint alleged that Licensee told Patient by phone that he had a lot of experience working
22 with Ivermectin patients and he could prescribe Ivermectin for her condition.

23 When she arrived for her appointment on August 8, 2022, Licensee denied ever treating
24 anyone with her condition and denied ever prescribing it for patients. Patient asked for a refund
25 of her fee paid for treatment. Licensee provided her a refund.

26 Interview with Licensee provided that Patient was seeking care with Ivermectin for her
27 cancer treatment. Licensee told Patient that he considers Ivermectin a “wonder drug” and from
28 articles he had read it helps with everything. Licensee did not perform any exam on Patient nor
29 did he adjust her.

30 Licensee did not have Ivermectin on hand in the clinic, but told her he would try to help
31 her find some. He told her it was sold in feed stores and offered to find information for her.

1 Licensee spoke to Patient about nutrition and told her about a video in regards to cancer
2 treatments.

3 When Licensee told her he didn't have Ivermectin to provide, Patient became very upset
4 and wanted to know why no one would assist her. Licensee charged her for the visit and Patient
5 paid.

6 Between two and four weeks later, Licensee's clinic received an e-mail from Patient
7 requesting her money back. Licensee was out of the office, and when he returned, he refunded
8 her the money. After a refund was issued, and the Board requested Licensee's version of events
9 of interaction with Patient, Licensee's office manager wrote to Patient and asked why she was
10 continuing with the complaint when they had refunded the money for treatment.

11 Patient records from Licensee showed that the reason for the visit was for Ivermectin
12 treatment. Also included in patient records was a note from patient that if the refund for
13 treatment was given, she would drop the case with the Board.

14 Licensee was issued a Proposed Notice of Discipline on June 14, 2023, and that notice
15 stated that for purposes of default, the Board record would be used as prima facie evidence.
16 Licensee was given the notice to request a hearing within 30 days and failed to do so. Licensee
17 is now in default.

18 Conclusions of Law

19 2.

20 The Board finds that Licensee was not clearly practicing within his scope as a
21 chiropractic physician in the information he provided to Patient. Licensee also had his office
22 manager call Patient and ask why she continued with the complaint when a refund had been
23 issued. He offered to assist her in finding Ivermectin and provided her with further information.
24 Licensee's information provided to Patient exceeded the scope of chiropractic practice and was a
25 violation of **ORS 684.100 (1)(f)** and a violation of **OAR 811-035-0015(25)**:

1 (1) The State Board of Chiropractic Examiners may refuse to grant a license to
2 any applicant, or may discipline a person upon any of the following grounds:

3
4 (f) unprofessional or dishonorable conduct including but not limited to;
5 (A) Any conduct or practice contrary to recognized standard of ethics of the
6 chiropractic profession or any conduct that might constitute a danger to the health
7 or safety of a patient or the public, or any conduct, practice or condition that does
8 or might adversely affect a physician's ability safely and skillfully to practice
9 chiropractic.
10

11 **OAR 811-035-0015(25)**

12 Unprofessional conduct means any unethical, deceptive or deleterious conduct or practice
13 harmful to the public; any departure from, or failure to conform to, the minimal standards
14 of acceptable chiropractic practice; or a willful or careless disregard for the health,
15 welfare or safety of patients.
16

17 (25) Making an agreement with a patient or person or entity representing patient or
18 persons, or provide any form of consideration that would prohibit, restrict, discourage or
19 otherwise limit a person's ability to file a complaint with the Board, to truthfully and
20 fully answer any questions posed by an agent or representative of the Board regarding a
21 board proceeding, or to participate as a witness in a Board proceeding.
22

23 Order

24 3.

25 Due to the above violations, the Board orders that Licensee is assessed a civil penalty in
26 the sum of \$7,000 total, \$5,000 for assisting in the Ivermectin procurement, and \$2,000 for
27 unprofessional conduct, payable to the Board within 90 days after this order becomes final.

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

The Board assesses against Respondent 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.

Failure to pay could result in further discipline, up to and including revocation.

IT IS SO ORDERED this 1st day of August, 2023.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Signatures held on file at the OBCE office.

By:

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

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.

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4 **CERTIFICATE OF SERVICE**
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6 I, Cassandra C. McLeod-Skinner, certify that on August 1, 2023, I served the foregoing Final
7 Default Order upon Licensee, the party hereto, by email and mailing, postage prepaid, a true,
8 exact and full copy thereof to her and her legal counsel:

9
10 Michael Tarr DC
11 18820 Peony Place
12 Bend OR 97702
13

14 Michael Tarr DC
15 461 NE Greenwood Ave Suite B
16 Bend OR 97701

17 Signatures held on file at the OBCE office.
18
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20 _____
21 Cassandra C. McLeod-Skinner, J.D.
22 Executive Director
23 Oregon Board of Chiropractic Examiners
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BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

6 In the Matter of)
7) Case # 2022-2002
8 Michael Tarr, D.C.)
9)
10) **NOTICE OF PROPOSED**
11) **DISCIPLINE; CIVIL PENALTY**
12 _____)
13

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15 responsible for licensing, regulating, and disciplining chiropractic physicians and certified
16 chiropractic assistants in the State of Oregon. Michael Tarr, D.C. (Licensee), is licensed by the
17 Board to practice as a chiropractic physician in Oregon.

18 1.

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20 complaint alleged that Licensee told a Patient by phone that he had a lot of experience working
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23 treating anyone with Patient's condition and denied ever prescribing it for patients. Patient asked
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9 events of interaction with Patient, Licensee's office manager wrote to Patient and asked why
10 Patient was continuing with the complaint when they had refunded the money for treatment.

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12 treatment. Also included in patient records was a note from Patient that if the refund for
13 treatment was given, Patient would drop the case with the Board.

14
15 2.

16 The Board finds that Licensee was not clear in his scope as a chiropractic physician in the
17 information he provided to Patient. Licensee also had his office manager call Patient and ask
18 why Patient continued with the complaint when a refund had been issued. He offered to assist
19 Patient in finding Ivermectin and provided Patient with further information. Licensee's
20 information provided to Patient exceeded the scope of chiropractic practice and was a violation
21 of **ORS 684.100 (1)(f)**

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23 any applicant, or may discipline a person upon any of the following grounds:

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27 chiropractic profession or any conduct that might constitute a danger to the health

1 or safety of a patient or the public, or any conduct, practice or condition that does
2 or might adversely affect a physician's ability safely and skillfully to practice
3 chiropractic.
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5 **OAR 811-035-0015(25)**

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7 harmful to the public; any departure from, or failure to conform to, the minimal standards
8 of acceptable chiropractic practice; or a willful or careless disregard for the health,
9 welfare or safety of patients.
10

11 (25) Making an agreement with a patient or person or entity representing patient or
12 persons, or provide any form of consideration that would prohibit, restrict, discourage or
13 otherwise limit a person's ability to file a complaint with the Board, to truthfully and
14 fully answer any questions posed by an agent or representative of the Board regarding a
15 board proceeding, or to participate as a witness in a Board proceeding.
16

17
18 3.

19 Due to the above violations, the Board proposes that Licensee is assessed a civil penalty
20 in the total sum of \$7,000: \$5,000 for assisting in the Ivermectin procurement, and \$2,000 for
21 unprofessional conduct; payable to the Board within 90 days after this order becomes final.

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23 received no payment on the account for more than 90 days. Thereafter, the Board will consider
24 assignment to the Oregon Department of Revenue or a private collection agency for collection.
25 Final fees may include additional percentages of any increase in the amount you owe due to the
26 accrual of interest on the unpaid principal amount.

27 4.

28 NOTICE OF HEARING RIGHTS
29

30 The Board has authority to impose discipline in this matter pursuant to ORS
31 684.100(9)(g). The Board proposes to assess against Respondent all of the Board's costs of this
32 disciplinary process and action, including but not limited to all legal costs from the Department

1 of Justice, all hearing costs from the Office of Administrative hearings, all costs associated with
2 any expert or witness, and all administrative costs specific to this proceeding, in an amount not to
3 exceed \$150,000, pursuant to ORS 684.100(9)(g), in addition to any interest accrued at the legal
4 rate allowed and any and all costs related to collections.

5 5.

6 Licensee has the right, if Licensee requests, to have a formal contested case hearing
7 before the OBCE or the Administrative Law Judge to contest the matter set out above. At the
8 hearing, Licensee may be represented by an attorney and subpoena and cross-examine witnesses.
9 That request for hearing must be made in writing to the OBCE, must be received by the OBCE
10 within 30 days from the mailing of this notice (or if not mailed, the date of personal service), and
11 must be accompanied by a written answer to the charges contained in this notice.

12 6.

13 The answer shall be made in writing to the OBCE and shall include an admission or
14 denial of each factual matter alleged in this notice, and a short plain statement of each relevant
15 affirmative defense Licensee may have. Except for good cause, factual matters alleged in this
16 notice and not denied in the answer will be considered a waiver of such defense; new matters
17 alleged in this answer (affirmative defenses) shall be presumed to be denied by the agency and
18 evidence shall not be taken on any issue not raised in the notice and answer.

19 7.

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

1 8.

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

7 9.

8 **NOTICE TO ACTIVE DUTY SERVICEMEMBERS:**
9

10 Active duty service members have a right to stay these proceedings under the federal
11 Service Members Civil Relief Act. For more information contact the Oregon State Bar at 800-
12 452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed
13 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

14 IT IS SO ORDERED this 14th day of June, 2023.
15

16 **BOARD OF CHIROPRACTIC EXAMINERS**
17 State of Oregon
18

19 Signatures held on file at the OBCE office.

20 By: _____
21 Cassandra C. McLeod-Skinner, J.D.
22 Executive Director
23 Oregon Board of Chiropractic Examiners
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3 **CERTIFICATE OF SERVICE**
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5 I, Cassandra C. McLeod-Skinner, certify that on June 14, 2023, I served the foregoing Notice of
6 Proposed Discipline upon Licensee, the party hereto, by email and mailing, postage prepaid, a
7 true, exact and full copy thereof to her and her legal counsel:

8
9 Michael Tarr DC
10 18820 Peony Place
11 Bend OR 97702
12

13 Michael Tarr DC
14 461 NE Greenwood Ave Suite B
15 Bend OR 97701
16

17 Signatures held on file at the OBCE office.
18

19 _____
20 Cassandra C. McLeod-Skinner, J.D.
21 Executive Director
22 Oregon Board of Chiropractic Examiners
23
24