

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	Case # 2021-3013
Brent Torchio, D.C.)	
)	
)	STIPULATED FINAL ORDER
)	
_____)	

The Oregon Board of Chiropractic Examiners (Board or OBCE) is the state agency responsible for licensing, regulating, and disciplining chiropractic physicians and certified chiropractic assistants in the State of Oregon. Licensee, Brent Torchio D.C. (Licensee 2) became licensed on July 13, 2021.

Findings of Fact

1.

Licensee 2 was a chiropractic student and participated in his preceptorship from April 2020 to June 2020 which occurred with Licensee 1, his brother, a licensed DC at the time of the preceptor, at a clinic in Bend, Oregon. Once his preceptorship ended, Licensee 2 stayed on and continued to work in his brother, Andrew Torchio (Licensee 1)'s chiropractic clinic.

Patient 1 went to the clinic for assistance with back pain. Appointments were scheduled from February 1, 2021, through May 10, 2021. Patient 1 was seen 7 times. During treatment for the back condition, Patient 1 received x rays taken by Licensee 2. No shielding was done on the genital or thyroid area during the x ray. The patient was concerned and mentioned that to Licensee 2 and was told "it was no problem." The patient did not realize that Licensee 2 was not licensed at the time the x rays were taken. At the time the x-rays were taken, Licensee 2 was no longer in his preceptorship, nor was he a licensed Oregon chiropractic physician. Additionally, during the time frame Patient 1 sought treatment, Licensee 2 helped Patient 1 with a wobble board and used a dual scale to see if Patient 1 was balanced. Licensee 2 was referred to as "Doctor Brent" and Licensee 2 stated he would refer to himself as "Doctor Brent." Licensee 2 would not correct patients when they referred to him as "Doctor Brent."

On August 17, 2021, the Oregon Board of Medical Imaging (OBMI) and Licensee 1's clinic signed a stipulated order for discipline. The OBMI made findings that Licensee 2 took x rays without a license. Licensee 1 wrote information to the OBMI confirming that Licensee 2 had taken the x rays after the conclusion of his preceptorship. The clinic and Licensee 1 stipulated that the violations occurred and Licensee 1 was issued a \$10,500 civil penalty with a

portion of it stayed for five years. Licensee 2 was found to have practiced medical imaging without a license for a period of 21 days.

When asked on Licensee 2's application for licensure if he was ever the subject of disciplinary action by a licensing authority, Licensee 2 stated no.

During the OBCE's investigative interview, Licensee 1 first stated that he had taken the x rays. When confronted with the OBMI investigation, Licensee 1 then admitted that Licensee 2 had taken them. Licensee 1 confirmed that Licensee 2's preceptorship was completed and that he (Licensee 2) was not licensed at the time the x rays were taken on Patient 1. Licensee 1 was made aware of the OBMI investigation prior to signing the stipulation in August 2021.

Licensee 2 stated he didn't recall not putting the lead covering on the patient but said he did not believe he took the x-rays unassisted. Licensee 2 was unaware of restrictions on using the title "Doctor" and denied providing clinical care to this patient.

Conclusions of Law

2.

The Board finds that the acts and conduct of Licensee 2 in section 1 above, are violations of the Board's laws and rules. As a chiropractic student, graduate and preceptorship participant, Licensee 2 should have been aware of the laws and rules of the Board regarding his licensure requirement. The Board determined that there were violations of ORS 684.100(1)(A), unprofessional conduct; ORS 676.110(1)(b)(A) and OAR 811-015-0045(3), referring to himself as doctor in a health care setting before licensure; OAR 811-035-0015(22), failing to answer truthfully and completely any question asked by the Board in an application for licensure; and ORS 684.015(1)(a), OAR 811-035-0015 (14) practicing chiropractic without a license in Oregon.

3.

Stipulations

Therefore, pursuant to ORS 183.417(3) and ORS 684.100(9)(f) the Board orders:

1. The parties have agreed to enter this Stipulated Final Order. Licensee agrees that he is aware of his right to a hearing with his attorney present to contest the charges and hereby waives that right and agrees to entry of this order. Licensee agrees to waive any right to appeal.
2. Licensee agrees to pay a civil penalty of \$6,000 to be paid to the Board within 30 days this order becomes final. 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.

3. Licensee will take and successfully, and unconditionally, pass all sections of the EBAS test within 90 days after this order is final. This is at Licensee's expense and Licensee is responsible to report to the Board the results.
4. Failure to abide by this stipulation may result in further discipline up to and including revocation.
5. This order is public and is reportable to NPDB.
6. This order is effective on the date signed by the Board.

Dated this 2nd of May, ²⁰²³~~2021~~--

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Signatures held on file in the OBCE office.

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

Signatures held on file in the OBCE office. 

 _____
Brent Torchio D.C., Licensee

CERTIFICATE OF SERVICE

I, Cassandra C. McLeod-Skinner, certify that on May _____, 2023, I served the foregoing Stipulated Final Order upon Brent Torchio, the party hereto, to his legal counsel via email, and by mailing, postage prepaid, a true, exact and full copy thereof to:

Scott O'Donnell
Keating and Jones
200 SW Market Street Suite 900
Portland OR 97201-5730
sodonnell@keatingjones.com

Brent Torchio D.C.
Pangea Chiropractic
409 NE Greenwood Avenue Suite 120
Bend OR 97701

Signatures held on file in the OBCE office.

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

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	Case # 2021-3013
Brent Torchio, D.C.)	
)	
)	NOTICE OF PROPOSED
)	DISCIPLINE
)	

The Oregon Board of Chiropractic Examiners (Board or OBCE) is the state agency responsible for licensing, regulating, and disciplining chiropractic physicians and certified chiropractic assistants in the State of Oregon. Licensee, Brent Torchio D.C. (Licensee 2) became licensed on July 13, 2021. The Board proposes to discipline his license for the following reasons:

Findings of Fact
1.

Licensee 2 was a chiropractic student and participated in his preceptorship from April 2020 to June 2020 which occurred with Licensee 1, his brother, a licensed DC at the time of the preceptor, at a clinic in Bend, Oregon. Once his preceptorship ended, Licensee 2 stayed on and continued to work in his brother, Andrew Torchio (Licensee 1)'s chiropractic clinic.

Patient 1 went to the clinic for assistance with back pain. Appointments were scheduled from February 1, 2021, through May 10, 2021. Patient 1 was seen 7 times. During treatment for the back condition, Patient 1 received x rays taken by Licensee 2. No shielding was done on the genital or thyroid area during the x ray. The patient was concerned and mentioned that to Licensee 2 and was told "it was no problem." The patient did not realize that Licensee 2 was not licensed at the time the x rays were taken. At the time the x rays were taken, Licensee 2 was no longer in his preceptorship, nor was he a licensed Oregon chiropractic physician. Additionally, during the time frame Patient 1 sought treatment, Licensee 2 helped Patient 1 with a wobble board and used a dual scale to see if Patient 1 was balanced. Licensee 2 was referred to as "Doctor Brent" and Licensee 2 stated he would refer to himself as "Doctor Brent." Licensee 2 would not correct patients when they referred to him as "Doctor Brent."

On August 17, 2021, the Oregon Board of Medical Imaging (OBMI) and Licensee 1's clinic signed a stipulated order for discipline. The OBMI made findings that Licensee 2 took x rays without a license. Licensee 1 wrote information to the OBMI confirming that Licensee 2 had taken the x rays after the conclusion of his preceptorship. The clinic and Licensee 1 stipulated that the violations occurred and Licensee 1 was issued a \$10,500 civil penalty with a

portion of it stayed for five years. Licensee 2 was found to have practiced medical imaging without a license for a period of 21 days.

When asked on Licensee 2's application for licensure if he was ever the subject of disciplinary action by a licensing authority, Licensee 2 stated no.

During the OBCE's investigative interview, Licensee 1 first stated that he had taken the x rays. When confronted with the OBMI investigation, Licensee 1 then admitted that Licensee 2 had taken them. Licensee 1 confirmed that Licensee 2's preceptorship was completed and that he (Licensee 2) was not licensed at the time the x rays were taken on Patient 1.

Licensee 2 stated he didn't recall not putting the lead covering on the patient but said he did not believe he took the x-rays unassisted. Licensee 2 was unaware of restrictions on using the title "Doctor" and denied providing clinical care to this patient.

Conclusions of Law

2.

The Board finds that the acts and conduct of Licensee 2 in section 1 above, are violations of the Board's laws and rules. As a chiropractic student, graduate and preceptorship participant, Licensee 2 should have been aware of the laws and rules of the Board regarding his licensure requirement. The Board determined that there were violations of ORS 684.100(1)(A), unprofessional conduct; ORS 676.110(1)(b)(A) and OAR 811-015-0045(3), referring to himself as doctor in a health care setting before licensure; OAR 811-035-0015(22), failing to answer truthfully and completely any question asked by the Board in an application for licensure; and ORS 684.015(1)(a), OAR 811-035-0015 (14) practicing chiropractic without a license in Oregon.

3.

Based on the above, the Board proposes to issue a civil penalty in the amount of \$6,000 payable to the Board within 30 days. Licensee 2 is also required to take and successfully and unconditionally pass all portions of the EBAS examination within 90 days and report to the Board the results of the examination.

4.

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, any and all collection fees and costs.

5.

The Board proposes to assess against Licensee 2 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), any and all interest accrued at the legal rate, and any and all costs associated with collections.

6.

Licensee 2 has the right, if Licensee 2 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 2 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 2 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 2. Licensee 2's submissions to the OBCE to-date regarding the subject of this case automatically become part of the evidentiary record of this disciplinary action upon default for the purpose of proving a prima facie case.

9.

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 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

CERTIFICATE OF SERVICE

I, Cass McLeod-Skinner, certify that on April 6, 2023, I served the foregoing Notice of Proposed Discipline upon Brent Torchio, the party hereto, to his legal counsel via email, and by mailing, postage prepaid, a true, exact and full copy thereof to:

Scott O'Donnell
Keating and Jones
200 SW Market Street Suite 900
Portland OR 97201-5730
sodonnell@keatingjones.com

Brent Torchio D.C.
Pangea Chiropractic
409 NE Greenwood Avenue Suite 120
Bend OR 97701

Signatures held on file in the OBCE office.

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