BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS

FOR THE STATE OF OREGON

In the Matter of the License of JEFFREY C. UTTER, D.C.

STIPULATION

1.

Jeffrey C. Utter (Utter) and the Oregon Board of Chiropractic Examiners (Board) enter into this stipulation pursuant to ORS 684.100(9) for the purpose of concluding the Board initiated disciplinary proceeding concerning the treatment and/or billing for treatment of female patients

2.

Pursuant to ORS 183.415(5) and ORS 684.100(9), the Board and Utter stipulate and agree that this disciplinary proceeding initiated by the Board may be concluded by entry of this Stipulation with the following terms and conditions:

3.

NOW THEREFORE, IT IS STIPULATED by the parties that,

- a. Utter waives any and all of his rights from all sources and to any further notices, hearings and judicial review.
- b. Utter agrees that the Board has jurisdiction over matters of conduct which violate ORS 684.100(1)(j), ORS 684.100(1)(g)(A), and ORS 684.100(1)(g),(s), and that, by his conduct in the aggregate transaction involving claims for service to he has violated the above listed statutes and administrative rules.

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c. The Board and Utter stipulate and agree that Utter permanently surrender, in lieu of revocation, his license to practice chiropractic in the state of Oregon.

4.

This stipulation is intended to cover the acts and practices denoted herein. This stipulation does not cover actions which are not described herein. Dr. Utter expressly waives any objection as to the form of the proceedings and service of documents.

IT IS SO STIPULATED this ____ day of April, 1991.

Original signature on file at the OBCE office.

Jeffrey C. Utter, D.C.

so stipulated this 30 day of April, 1991.

Original signature on file at the OBCE office.

Christie Joachim// Executive Director

BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS

FOR THE STATE OF OREGON

In the Matter of the License of JEFFREY C. UTTER, D.C.

AMENDED NOTICE OF INTENT TO REVOKE LICENSE, ASSESS CIVIL PENALTY AND COSTS AND FEES

1.

Jeffrey C. Utter (Utter) is a licensed chiropractor in Board of Chiropractic Examiners (Board) jurisdiction, pursuant to ORS chapter 684, to discipline those persons subject to the Board's authority, including licensed chiropractors.

2.

a part-time February 7, 1990, about employee/patient of Utter's clinic, who is a female minor, submitted to an examination and treatment by Utter as a follow-up to a thermogram of her chest.

3.

During the course of this examination, Utter became sexually aroused and sexually abused the minor female by having her disrobe and inserting his fingers inside her vagina, pushing on her uterus and leaning over her, brushing his face against her face and hair. This conduct was for the sexual gratification of Utter and not for any therapeutic or diagnostic purpose.

4.

On April 4, 1991, Utter entered a plea of "No Contest" in Marion County District Court on a charge of Sexual Abuse II in regards to his conduct in the treatment of female patient

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On or between July 1, 1988 and May 1, 1990, in an aggregate transaction involving claims for service to

Utter committed a theft of United States currency, of a total value of Ten Thousand Dollars or more, which was the property of the SAIF Corporation. This theft was accomplished by submitting fraudulent claims to SAIF Corporation for the services allegedly rendered to Berl Davis.

10.

By engaging in this conduct, Utter violated ORS 684.100(1)(j) in that he obtained fees or payments from a third party payor through fraud or misrepresentation.

11.

On January 11, 1991, Utter entered a plea of "guilty" to a charge of Aggravated Theft in the First Degree in Marion County Circuit Court. The basis of this charge was the fraudulent billing in the case of

12.

The Board proposes to revoke Utter's license to practice chiropractic in Oregon and to assess the costs of this proceeding and a civil penalty of \$1000, pursuant to ORS 684.100(9)(d), (f) and (g).

13.

You are entitled to a hearing as provided by the Administrative Procedures Act (ORS ch 183). You may be represented by counsel at the hearing. If you desire a hearing, you must notify OBCE in writing that you request a hearing within 21 days of the date of the mailing or service of this Notice to you. If a request

presumed to be denied by the agency and evidence shall not be taken on any issue not raised in the Notice and answer. DATED this __/5__ day of April, 1991 Christie Joachim, Executive Director Board of Chiropractic Examiners for the State of Oregon