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

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In the Matter of)	
)	FINAL ORDER BY DEFAULT
Shizeng Yang LMT)	
)	(Civil Penalty)
)	
Respondent.)	Case # 2011-1018

The Board of Chiropractic Examiners (Board) is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Shizeng Yang (Respondent) is not licensed by the Board to practice as a chiropractic physician in the State of Oregon. Respondent does have a valid License from the Oregon Board of Massage Therapists.

Findings of Fact

1.

In May 2011, the Board received information alleging that Respondent had injured Patient 1 by providing a type of massage called Tuina on her. The way it was described, the treatment was similar to chiropractic adjustment and/or manipulation. Patient 1 also said that Respondent performed chiropractic adjustments on her. Patient 1 described herself as being face up on a table with one leg bent and turning to one side when Respondent pushed on her sacrum to release her lower vertebra. This was done three times on each leg.

The Board reviewed this and found that Respondent was practicing chiropractic without a license and Respondent was practicing chiropractic at the following location:

Shizeng Yang, 2821 SE 71st Avenue, Portland Oregon 97206. It was a home on the outside without any signage, but once inside, it appeared to be a clinic setting.

2.

In the investigative interview with the Board, the Board requested that he demonstrate what he was doing to see if it was in fact chiropractic. Respondent allowed the demonstration to be video recorded while he performed various treatments on one patient. Patient 2 was interviewed while this occurred and the investigator watched Patient 2 lay down face down and as Respondent started to demonstrate a manipulation, Respondent stopped the manipulation and admitted that the movements he was performing on Patient 2 were chiropractic in nature and were not massage or any other type of movement as he had claimed previously. Respondent asked the camera to be stopped and stated he would stop performing Tuina as it was chiropractic

1 the way he was performing it. During the investigation, Respondent indicated that he had kept
2 charts on the patients he had performed manipulations on.

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4 During the conclusion of the investigation, Respondent indicated that he understood it
5 was necessary for him to cease any manipulation treatments including those that resembled
6 chiropractic adjustment or manipulation as he had been doing, and would cease doing them.

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8 3.

9 On August 8, 2012, the Board served the Proposed Notice of Discipline on Respondent.
10 In the notice, it indicated that if the Respondent did not choose to have a hearing a default would
11 be taken based on the records in the Board's file. On September 5, 2012, Respondent paid the
12 \$500 civil penalty and said he was not requesting a hearing or contesting the civil penalty. Thus,
13 Respondent is in default.

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15 Conclusions of Law

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17 4.

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19 The Board finds the following violations:

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21 a. For operating a chiropractic clinic and not being a licensed chiropractor,
22 Respondent has violated ORS 684.015, ORS 684.020, OAR 818-010-0120.
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24 b. For practicing on patient 2 without a license that is a violation of ORS
25 684.015(a), (c) and (d), and ORS 684.020, practicing chiropractic without a
26 license and advertising chiropractic without a license.

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28 Order

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30 5.

31 It is hereby ordered that Respondent pay a civil penalty in the sum of \$500 for violations
32 as noted above. Respondent has paid the penalty on September 5, 2012.

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36 DATED September 12, 2012

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38 BOARD OF CHIROPRACTIC EXAMINERS
39 State of Oregon

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42 By:


43 Dave McTeague, Executive Director

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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 with the Court of Appeals in Salem, Oregon
Within 60 days from the date of this order.

Certificate of Service

I, Dave McTeague, certify that on September 12, 2012, I served the foregoing Final Order
by Default upon the party hereto by mailing, regular mail, a true, exact and full copy thereof to:

Shizeng Yang LMT
2821 SE 71st Ave.
Portland, OR 97206



Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners