



# Oregon

Kate Brown, Governor

**Oregon Board of Chiropractic Examiners**

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September 26, 2016

## Press Release

### **BOARD ISSUES ORDER OF EMERGENCY SUSPENSION**

***Mark Machala D.C., License #3970***

On September 22, 2016, during the Board's regularly scheduled meeting, the Oregon Board of Chiropractic Examiners (OBCE) issued an Order of Emergency Suspension and Notice of Rights for Mark Machala, D.C., effective September 23, 2016.

The OBCE is the state agency responsible for licensing and regulation of the chiropractic profession with a primary mission of public protection. Decisions are made by a seven-member board consisting of five chiropractic physicians and two public members.

In December 2015, police in Ashland, OR received a report from a female patient of Licensee. The patient reported that Licensee sought treatment for injuries sustained in a motor vehicle accident. As part of the chiropractic treatment Licensee performed a full body massage on the patient. During the massage, the patient reported that Licensee ceased massaging her and began caressing her body. During this time, Licensee removed the draping exposing the patient's breasts. Licensee then began to fondle the patient's breasts and rubbing her lips seductively. At this point in the encounter, the patient observed that Licensee had become visibly aroused. During the encounter, Licensee engaged the patient in conversation acknowledging his sexual arousal, his unprofessional actions, and described touching the patient as akin to petting a cat.

Ashland police investigated this matter and obtained statements and admissions from Licensee to support criminal charges. On July 26, 2016, the District Attorney for the County of Jackson, filed two counts of Sexual Abuse in the Third Degree (ORS 163.415) against the Licensee in case number 16CR46555, for his above described conduct.

At its September Board Meeting, the OBCE found that the acts and conduct described above constitute grounds for immediate license suspension and amounts to unprofessional conduct. Licensee's practice constitutes a clear and present danger to the health or safety of his patients and the public if allowed to continue before a hearing may be held. The OBCE, therefore, immediately suspends Licensee's chiropractic license pursuant to ORS 183.430(2) and ORS 684.100(3).

The OBCE has grave concerns should Licensee attempt these same actions with members of the public or patients visiting his practice. Licensee's license is suspended effective September 23, 2016, and he is not permitted to practice chiropractic in the State of Oregon pending the outcome of his criminal case and any further disciplinary action.

Licensee has 90 days to request a hearing before an administrative law judge to contest the OBCE's order.

Anyone with additional information may contact George Finch, Investigator, at 503 373-1615, or Frank Prideaux DC, Healthcare Investigator at 503-373-1848.

For more information, contact Cassandra C. Skinner, Executive Director, at 503-373-1620, or by email [cass.skinner@oregon.gov](mailto:cass.skinner@oregon.gov)

*The mission of the Oregon Board of Chiropractic Examiners is to protect and benefit the public health and safety, and promote quality in the chiropractic profession.*

BEFORE THE  
BOARD OF CHIROPRACTIC EXAMINERS  
STATE OF OREGON

In the Matter of

Mark Machala, D.C.,  
License No.: 3970

)  
) Case # 2016-5012  
)  
)

) ORDER OF  
) EMERGENCY SUSPENSION  
) NOTICE OF RIGHTS  
)

The Oregon Board of Chiropractic Examiners (hereafter "Board") is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Mark Machala, D.C. (hereafter "Licensee"), is currently licensed by the Board to practice as a chiropractic physician in Oregon and is subject to the jurisdiction of the OBCE. Effective September 23, 2016, Licensee is ordered to immediately stop practicing chiropractic until further order of the Board. The Board finds that Licensee should be emergency suspended based on the following:

1.

The Board received notification from the Ashland Police Department in December 2015, that Licensee had sexually abused a current female patient, Patient 1. Patient 1 had told the police that she was involved in a motor vehicle accident and was injured and sought chiropractic care from Licensee in mid-December 2015. In her first appointment on December 14, 2015, Licensee asked her to get undressed to receive massage therapy as a first treatment. Patient 1 was completely nude for the massage portion. Patient 1 was on her back for a portion of the treatment. She requested her breasts and groin area be covered with towels. Towards the end of the massage while Licensee was massaging her back, Licensee began breathing hard and stated something to the effect of "I need to keep this professional, rubbing your face is like rubbing a cat." Patient 1

thought it was an odd thing to say but ignored it. The rest of the chiropractic treatment that day seemed normal with nothing unusual.

In her second appointment the following Monday, Licensee began massaging her neck and back and then moved down to her midsection while she was lying on her back and began massaging her chest above her breasts. Licensee began moving his hands down her body and it started to feel to Patient 1 that he wasn't doing massage any longer. It felt as if Licensee was simply gliding his hands along her body. She felt something was wrong but just froze. She lay still, not knowing what to do. She was beginning to feel very uncomfortable as she started to feel like Licensee was gaining pleasure from it. At one point, she felt Licensee was fondling her breasts and Patient 1 opened her eyes. Her breasts had been covered with a towel but Licensee had managed to move the towel down and her breasts were completely exposed as Licensee rubbed them with her hands. When he noticed her eyes were open, Licensee put the towel back and covered them up; and nonchalantly stated he was sorry.

At that point, Licensee began to massage her face and then ran his fingers across her lips. Patient 1 felt Licensee was rubbing her lips seductively. At that point, Patient 1 looked down and saw an obvious erection from Licensee by the bulge in the front of his pants. Patient 1 was very uncomfortable and didn't know what to do. At some point Patient 1 said to Licensee, "Is this common" and Licensee answered that he normally was not attracted to his patients but that Patient 1 "purrs like a cat when she is massaged."

After the massage was over, Patient 1 asked Licensee if she should see someone else as he was clearly attracted to her. Licensee said he could refer her to someone else or he could promise to keep things strictly professional and use his will power if she would give him another chance. Another appointment was scheduled for the following Monday but Patient 1 did not go.

2.

Patient 1 reflected on what Licensee had done to her and realized she could not go to him for treatment. She felt that what he had done was wrong and she needed to report his actions. Patient 1 felt sick when she learned that Licensee had a wife and family.

3.

In his statement to the Ashland Police Department, Licensee said he felt some “coming on energy” from Patient 1 and felt a “charge” when she was in the room. He denied specifically massaging her breasts but later on said he may have touched her breast during the course of massaging her torso area. Licensee admitted that he felt attracted to Patient 1, but also thought she was coming on to him.

4.

On July 26, 2016, the District Attorney for the County of Jackson filed an information for two counts of Sexual Abuse in the Third Degree (ORS 163.415) against Licensee in case number 16CR46555. This criminal matter is currently pending in the Circuit Court Jackson County.

5.

The Board finds that Licensee’s conduct as explained in paragraphs 1-3 above are violations of ORS 684.100(1)(f), and (A) and, OAR 811-035-0015(1)(a) and (b)(B).

6.

At its September 2016 Board meeting, the Board found that the acts and conduct of Licensee described above constitutes grounds for immediate license suspension and amounts to unprofessional conduct. Licensee’s practice, as described above, constitutes a clear and present danger to the health or safety of his patients and the public if allowed to continue before a hearing may be held. The above acts are in violation of ORS 684.100(1) (f) and (g)(A) and OAR 811-035-

0015(9) and (13). Therefore, the Board is authorized to and does immediately suspend Licensee's chiropractic license pursuant to ORS 183.430(2) and ORS 684.100(3).

7.

Rationale for the suspension is as follows:

The Board has received and investigated an independent, credible complaint concerning Licensee's inappropriate behavior toward a patient. These are alleged acts of unprofessional conduct.

In view of the nature of the alleged misconduct, the Licensee's conduct at this time in his practice setting, endangerment of patients if the Licensee is to continue to practice chiropractic prior to any completion of a hearing and/or finalization of this investigation. The Board has grave concerns that the Licensee is acting inappropriately which is affecting his ability to safely and competently practice chiropractic. The nature of the complaints and the current behaviors of Licensee place great risk of potential harm to individual patients and to the Licensee.

8.

Licensee's license is suspended effective September 23, 2016 and Licensee is not permitted to practice chiropractic in the State of Oregon pending the outcome of further disciplinary action.

9.

Licensee has the right, if Licensee requests, to have a formal contested case hearing pursuant to ORS 183.430(2) and OAR 137-003-0560 as soon as practicable to contest this Emergency Suspension Order. Licensee has a right to demand that a hearing be held as soon as practicable to contest the Emergency Suspension Order. Such a request must be made in writing and must be received in the Board's office no more than 90 days after the effective date of this order. If not so received, Licensee's right to a hearing under ORS chapter 183 will be waived. If Licensee timely requests a hearing, the hearing could be consolidated with any other Board proceeding affecting this license. Licensee may elect to be represented by counsel and to respond and present evidence and argument on all issues involved. After the hearing, the Board will issue an order confirming, altering or revoking this suspension order.

Emergency Suspension Order

10.

**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>.

IT IS SO ORDERED this 22nd day of September, 2016

**BOARD OF CHIROPRACTIC EXAMINERS**  
State of Oregon

By:

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Cassandra C. Skinner, J.D.

Executive Director

Oregon Board of Chiropractic Examiners

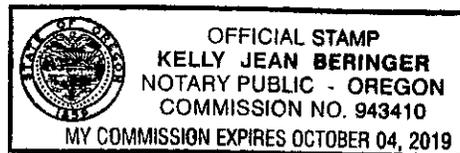
State of Oregon )  
County of Marion ) Case # 2016-5012

I, Cassandra C. Skinner, being first duly sworn, state that I am the Executive Director of the Board of Chiropractic Examiners of the State of Oregon, and as such, am authorized to verify pleadings in this case: and that the foregoing Order is true to the best of my knowledge as I verily believe.

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Cassandra C. Skinner, J.D.  
EXECUTIVE DIRECTOR  
OREGON BOARD OF CHIROPRACTIC EXAMINERS

SUBSCRIBED AND SWORN to before me  
this 26<sup>th</sup> day of September, 2016.

Original signature is on file in OBCE  
~~office~~ \_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 10/04/2019



**CERTIFICATE OF SERVICE**

I, Cassandra C. Skinner, certify that on September 26, 2016, I served the foregoing Order of Emergency Suspension upon Mark Machala, D.C., the party hereto, by mailing via USPS, and email, a true, exact and full copy thereof to:

Mark Machala, D.C.  
Siskiyou Chiropractic  
PO Box 652  
Ashland, OR 97520  
[markmachaladc@gmail.com](mailto:markmachaladc@gmail.com)

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