BEFORE THE

BOARD OF CHIROPRACTIC EXAMINERS

STATE OF OREGON

In the Matter of	)	
	)	Case # 2009-1029
	)	
	)	AMENDED
Michael B. Currie DC	)	NOTICE OF PROPOSED
License No.: 2264	)	DISCIPLINE (REVOCATION)
	)	
	)	

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. Michael B. Currie DC (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.

1.

Licensee was suspended by an Emergency Suspension Order issued by the Board and served on Licensee on December 11, 2009. The suspension was issued because the Board received notification from the Coos County Sheriff's Department in early December 2009, that Licensee allegedly sexually assaulted a patient in his office, among other serious issues which presented significant risks to patients and the public. After an anonymous complaint was received by the Board, investigation of that complaint showed that Patient 1 was asked to bring wine to her appointment, which she did. When she arrived, Licensee poured a glass and was drinking it while providing treatment. During treatment Licensee said to her "I love your lips, I'd like to kiss them or at least touch them." Patient 1 felt his behavior was odd and unprofessional but was fearful. Licensee also said to Patient 1 during treatment "I love my new jeans, I can just unzip them and whip it out" referring to his penis. During the treatment Patient 1 noticed he was rubbing his penis against her arm during the adjustment. While the treatment continued, Licensee then moved to Patient 1's neck and did an abrupt cervical adjustment which was very rough, with no prior warning, and caused a lot of pain. While Patient 1 was leaving, Licensee commented on the breasts of his office staff person out loud to Patient 1 stating "doesn't she have a nice rack? Wouldn't you love to touch them?" Licensee then stated to the office staff, referring to Patient 1, "doesn't she have nice lips? Wouldn't you like to kiss her?" Since Licensee was emergency suspended the Coos County Sheriff investigated and have recently charged Licensee with sexual abuse III and harassment physical. (Case No.: CQC 10CR0062) Patient 1 has received threats from Licensee since December 2009.

On December 31, 2009 Licensee was indicted with three counts of felony Burglary 1, private indecency, unlawful use of a weapon and attempted coercion in regards to contact with a separate female tenant. (T1) (Coos County Circuit Court, Case No.: 09CR1213- Licensee plead

guilty to an A misdemeanor private indecency charge.) This was due to conduct that occurred in mid November 10, 2009 when Licensee broke into T1's home by lifting the locked sliding glass door off its track. T1's husband had just died on November 10, 2009. Licensee immediately disrobed and solicited sex, displaying an erection. T1 threatened to call 911 and Licensee put his clothes back on and left. Then on November 25, 2009 T1 answered the door and found Licensee standing there. He soon forced his way inside against her wishes and told T1 that "we are going to get down to brass tacks, bottom line, your going to fuck me or your world is going to change." Licensee removed a pistol from its holster after he said this, adding "and if you like it rough, we can make that happen too." After T1 reported this conduct to the police and during the investigation by the police, Licensee continued to stalk and threaten T1 which resulted in her making numerous contacts with the police and receiving a restraining order against him. T1 also provided information to the Board that Licensee has told her he is involved with marijuana, and uses ecstasy and cocaine because it's an aphrodisiac. She has also seen him on the property in various states of undress while outside.

P3 has been treated by Licensee three times from October 2009 through January 2010. In early November 2009 he offered to adjust her back while she was visiting someone else at his clinic. Licensee had been drinking wine before and during the treatment and offered P3 some wine. She declined. Licensee adjusted her back and then let her use the restroom, and when P3 got out of the restroom, Licensee sat on the bed and pulled her to him. He kissed her hand and commented on her appearance. Licensee hugged her and began pushing her backward onto the bed. P3 struggled out from under him telling him no. She was embarrassed and frightened. Her children, who were 5 and 3 ½ years old, were in the room with them when Licensee did this. P3 grabbed her children and left the room.

The second treatment occurred in early January 2010. P3 was talked into getting another treatment by Licensee and he also promised he would be "good this time." P3 could tell he had been drinking alcohol but said the treatment was okay. During her treatment, she became alarmed by several comments that Licensee made about her breasts. A week later, she had treatment at his home and Licensee's comments about her body continued becoming even nastier. After this, Licensee began texting her as many as 20 times a day, coaxing her to leave her boyfriend. Licensee continued harassing P3 until he was incarcerated by police in mid December 2009.

P4 was treated by Licensee twice. Both times Licensee pressured her into receiving treatment. On November 15, 2009 she received an adjustment and Licensee appeared drunk while providing the treatment. P4 said the treatment was very rough, that Licensee adjusted her feet and ended up nearly breaking her toes. As a result of the treatment, P4's back and feet were sore for a week afterwards. The second time he treated her a week or so later, Licensee was again drunk. Licensee was again rough in his adjustments of P4. During the treatment, Licensee briefly licked her belly button and then suddenly, with no warning, dropped his pants and revealed his genitalia, waving it in her face. P4 was frightened and disgusted and left. P4 has been to the clinic on other occasions to visit people who work there and has seen Licensee partially or fully nude at least 50 times.

P5 was a patient of Licensees and indicated that she and her family stopped seeing him because he was constantly grabbing his crotch, left his hand on her bottom too long during

treatments, and made comments about "jacking off." He also drank from a vodka bottle in front of them, insisting it was water, wanted to have P5 take off her gown to "better observe her posture" and Licensee made P5's teenage daughter extremely uncomfortable with his leering and comments to her during one treatment.

The Board has also became aware that there is a current investigation by the Coos County Sheriff of an alleged sex abuse case against Licensee involving a 16 year old female that occurred in November 2009.

2.

During the investigation it was also found that Licensee was displaying signs of drug and alcohol dependency and issues involving weapons in the area where he lives. Within the last nine months the Board has information of the following:

- Licensee accidentally discharged a weapon into the floor of a patient's home (Fall 2009)
- Licensee had been arrested with his first driving under the influence citation and refused a breathalyzer test; (Bandon Police Department on November 26, 2009; Coos County Court Case 09CR1190)
- Licensee had been arrested for his second driving under the influence and reckless driving arrest where he hit a police vehicle and refused a breathalyzer test (Oregon State Police in Eugene OR on December 23, 2009, Lane County Case Number 210928202- Licensee has plead guilty to a DUII))
- Licensee had been arrested and charged for brandishing a weapon in a restaurant and charged with unlawful possession of a firearm, (November 9, 2009; Josephine County Circuit Court Case No.: 091849M)
- Licensee had been charged with possession of marijuana on December 20, 2009 (Coos County Circuit Court case number 09NB1898)
- Licensee was arrested for resisting arrest and interfering with a police officer on January 5, 2010 (Lane County Circuit Court Case No.: 211000206)
- On December 8, 2009, Licensee was investigated for Trespass II, interfering with police, after he barricaded himself in a Grants Pass hotel with a shotgun.
- On September 9, 2009, Licensee was warned by law enforcement about shooting his weapon on his property.
- Licensee had been openly displaying signs of public intoxication in the community and getting involved in physical altercations with others, that he had been observed drinking during clinic hours and had been observed on many occasions to be intoxicated
- Investigation found that Licensee has appeared to be intoxicated during work hours, becomes violent and angry and is known to carry and discharge weapons.
- The Board also found that Licensee had made multiple threats to shoot a law enforcement officer in front of witnesses.

Licensee also failed to appear at a court weapons charge in Grants Pass Oregon and a warrant was issued. (Josephine County Circuit Court Case No.: 091849M) He later showed up on December 8, 2009 and when he came through the metal detector with 4 knives and marijuana in his

possession, Licensee became erratic in the courthouse and was arrested and submitted for a mental health assessment at Three Rivers Community Hospital. Licensee was then medically evaluated and medical personnel felt that he may be a significant risk to himself and others and Licensee would require more mental health evaluation and/or treatment. Licensee tested positive for marijuana while on the medical hold on December 18, 2009.

On December 22, 2009, the Bandon Police was issuing a restraining order at Licensee's residence and he answered the door wearing only a loincloth and admitted to officers that he was treating a patient. Licensee had been treating P2 after he had received Board notification and service of his Emergency Suspension Order on December 12, 2009. This treatment was verified by the Bandon police department.

Licensee was incarcerated in Lane County Jail for the DUI on December 23, 2009 and was transferred to Coos County and released on December 30, 2009. He was then arrested in Lane County six days later for resisting arrest. Reports from the jails where Licensee was incarcerated were that he was attempting to kick in doors and act in an aggressive manner while incarcerated.

3.

From December 16 through December 17, 2009, after receiving his Emergency Suspension notice, Licensee made two threatening telephone contacts to the Board offices threatening that he would "thrash the executive director's ass" and made four separate telephone contacts to the investigator with threats of what he was going to do as a result of the Board issuing an Emergency Suspension Order. These calls were profane, angry and ranting.

4.

The allegations include unprofessional conduct towards and inappropriate sexual contact with patients, or acting in a way that could reasonably be interpreted as sexual towards a patient, and habitual use of controlled substances to which causes to incapacitate the person from performance of professional duties. Licensee poses a great threat to the community and his patients in his habitual use of drugs and/or alcohol and his continued escalation of criminal conduct. Licensee has also failed to cooperate with the Board during the investigation of this matter by threatening them and Board staff. Licensee has continued his criminal conduct in that since October 2009; he has been arrested over six separate occasions. Licensee has further endangered the public and his patients by continuing to practice chiropractic while he was on emergency suspension. In addition, he caused injury to a patient during treatment due to acting outside the standard of care. If proven, these would be violations of ORS 684.020(1), 684.100(1)(d), (e), (f) and (A) and OAR 811-035-0015(1)(a) – (c), (9), (13), (14), (20) and (23).

5.

The Board finds that the acts and conduct of licensee described above constitutes grounds for revocation of his chiropractic license and amounts to unprofessional conduct. The Board finds that the cumulative amount of Licensee's behavior warrants revocation of his license in order to adequately protect the public of the State of Oregon.

NOTICE OF HEARING RIGHTS

6.

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

9.

If Licensee 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. Upon default order of the Board or failure to appear, the contents of the Board's file regarding the subject of this automatically become part of the evidentiary record of this disciplinary action upon default for the purpose of proving a prima facie case.

10.

If Licensee requests a hearing for this proposed discipline, the Board may, upon their own motion, consolidate the hearing for this matter with the Emergency Suspension Order issued on December 11, 2009.

Dated April 22, 2010

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signature on file at OBCE

By:

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners

State of Oregon) Case # 2009-1029

County of Marion) Michael B. Currie DC

I, Dave McTeague, being first duly sworn, state that I am the Executive Director of the Oregon Board of Chiropractic Examiners, and as such, am authorized to verify pleadings in this case: and that the foregoing Amended Notice of Proposed Disciplinary Action is true to the best of my knowledge as I verily believe.

Original signature on file at OBCE

Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

SUBSCRIBED AND SWORN to before me

this 22nd day of April, 2010

Original signature on file at OBCE

NOTARY PUBLIC FOR OREGON
My Commission Expires: 10/7/2011

OFFICIAL SEAL
K J EDMUNDSON
NOTARY PUBLIC - OREGON
COMMISSION NO. 421757
MY COMMISSION EXPIRES OCT. 7, 2011

Certificate of Service

I, Dave McTeague, certify that on April 22, 2010, I served the foregoing Amended Notice of Proposed Disciplinary Action upon the party hereto by mailing, regular mail, postage prepaid, a true, exact and full copy thereof to:

Michael B. Currie DC
Bandon Chiropractic
55416 Melton Road
Bandon, OR 97411

Frank Moscato AAL
1001 SW Fifth Ave, 16th Floor
Portland, Oregon 97204-1116

Original signature on file at OBCE

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners