



# Oregon

Theodore R. Kulongoski, Governor

## Oregon Board of Chiropractic Examiners

3218 Pringle Road SE, Suite 150

Salem, OR 97302-6311

(503) 378-5816

FAX: (503) 362-1260

E-mail: [oregon.obce@state.or.us](mailto:oregon.obce@state.or.us)

[www.oregon.gov/OBCE](http://www.oregon.gov/OBCE)

Press Release

June 22, 2010

### **Board Issues Civil Penalty for Unlicensed Practice**

The Oregon Board of Chiropractic Examiners (OBCE) has issued a Final Order assessing \$10,000 civil penalty against Klamath Falls resident Chris McCutcheon for the unlicensed practice of chiropractic. McCutcheon had requested a hearing which was scheduled for June 15 and 16, but he withdrew this on Monday, June 14<sup>th</sup>.

McCutcheon had referred to himself as a “doctor” in his advertising, had opened an office seeing patients and had performed a kind of chiropractic known as “Alphabiotics.” The OBCE’s investigation found he had little knowledge or training and had caused patient harm as a result.

The primary feature of “Alphabiotics” is the so-called Crane Condyle Lift, a maneuver or adjustment with features a very aggressive pull on the neck. This kind of adjustment performed by an unqualified person has the potential to cause significant harm.

The OBCE is the State of Oregon 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.

(30)

For more information contact Dave McTeague, Executive Director, at 503-373-1620, or by email [dave.mcteague@state.or.us](mailto:dave.mcteague@state.or.us)

*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.*



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

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

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

In the Matter of	)	
Chris McCutcheon	)	FINAL ORDER BY DEFAULT
	)	(Civil Penalty)
Respondent.	)	Case # 2009-3017

The Board of Chiropractic Examiners (Board) is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Chris McCutcheon (Respondent) is not licensed by the Board to practice as a chiropractic physician in the State of Oregon.

Findings of Fact

1.

In June of 2009, the Board received a complaint that Respondent was practicing chiropractic without a license based on information obtained from patients who had received treatment from him in the Klamath Falls, Oregon area.

On his website ([www.balancedwellnesshealth.com](http://www.balancedwellnesshealth.com)), Respondent referred to himself as a "doctor" and advertised his practice as the Balanced Wellness Center. Respondent used almost exclusively the Alphabiotic Alignment/Chrane condyle lift in his practice. The New Life Center in Texas is the institution that specializes in teaching Alphabiotics.

The Board obtained literature from the State of Washington wherein that State Board concluded that Alphabiotics was a chiropractic variant in which the treatment is synonymous with and limited to cervical adjustment using a technique called the Chrane Condyle Lift. That conclusion was upheld by a ruling by the Washington State Court of Appeals entitled John Brown D.C. v. State of Washington Department of Health.

Investigation into the New Life Center and Alphabiotics International showed that it was not an accredited degree granting institution in Oregon and anyone practicing under their certification was in violation of ORS 348.609; a Class B misdemeanor and possible consumer fraud.

The Board investigation showed that Respondent was practicing for approximately 1 year and possibly several additional years while not licensed. Respondent was actively treating patients and using potentially risky chiropractic techniques without a chiropractic license. Other

1 practitioners in the same location as respondent noticed several patients coming and going during  
2 the day and evening, sometimes as high as 20 patients.

3  
4 Two of Respondent's former patients also believed that they were injured by his  
5 treatment and believed that he was a doctor and/or chiropractor when they received treatment.  
6 There was no indication that Respondent was keeping patient files on patients. These two  
7 patients of Respondents sought treatment from another health practitioner and had complained to  
8 that practitioner about receiving treatment from Respondent. Specifically, they complained  
9 about neck pain, headaches and dizziness. The health practitioner found indications of severe  
10 cervical strain/axial load injury from distraction and rotation of the neck. The health practitioner  
11 said that he had treated one patient for quite some time prior to Respondents treatment and in his  
12 medical opinion; her neck condition was much worse due to the adjustments provided by  
13 Respondent. Interviews with these patients supported those allegations of harm and described  
14 how Respondent put his hands on the side of their head, jerking it aggressively with both hands  
15 and arms and then doing it on the other side. During the adjustment the patients described it as  
16 very painful at the moment of adjustment with the treatment lasting only a couple of minutes.  
17 When the patients sat up they became dizzy and it continued to become more intense forming  
18 into a headache. Patients described the dizziness and headache lasting the entire day. One patient  
19 felt a burning sensation in her neck one day post treatment. When the patients asked what the  
20 pain was from, Respondent would tell them that toxins were in their bodies and this is the way  
21 they worked themselves out.

22  
23 A Board investigator also received a cervical adjustment using the technique of Chrane  
24 Condyle Lift in June 2009. Respondent told him that the Alphabiotics would "reboot your brain  
25 and your system, to balance your body, to relax the tense side and strengthen the weak side."  
26 Respondent then turned the investigators head 30 degrees and wrapped his hands and arms  
27 around his head. Suddenly he gave a very sharp axial jerk, very abrupt and sharp. The  
28 investigator said "whoa" and quickly without pause Respondent turned his head the other way  
29 and did it again. The investigator felt momentary pain. Respondent then palpated the  
30 investigators neck and said "the tenderness feels better doesn't it?" Respondent took cash for  
31 the adjustment and did not have the investigator fill out any paperwork or take any form of a  
32 medical history of the patient. In addition, respondent did not have the investigator sign  
33 anything, inform him of any issues that might affect or be affected by the treatment, inform him  
34 of any risks associated, or discuss post treatment expectations with the investigator.

35  
36 On July 2, 2009, the Board served via certified mail, a cease and desist letter to  
37 Respondent requesting that he immediately cease this practice and informing him it was  
38 practicing chiropractic without a license. Almost a month later, on August 1, 2009, Respondent  
39 wrote to the Board indicating that he had performed hundreds of thousands of Alphabiotic  
40 Alignments and that he was stopping the Alphabiotic Alignment and would be going to  
41 Chiropractic School. Since that letter arrived, the Board has additional investigative information  
42 that although Respondent had closed his office where these treatments occurred, he was still  
43 offering these types of treatments out of his home.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43

2.

Respondent is not a licensed Chiropractor in the State of Oregon. Respondent holds no other health regulatory licenses or certificates in the State of Oregon. Respondent is performing chiropractic techniques as described by ORS 684.010(2) and is performing techniques that are taught in chiropractic schools. Respondent is risking causing harm to the patients that he has provided this treatment to.

3.

On September 24, 2009, a Notice of Proposed Disciplinary Action was served on Respondent. On October 28, 2009 he requested a hearing. A hearing was scheduled for June 15-16, 2010. On June 11, 2010, Respondent withdrew his request for hearing in writing. Respondent is in default pursuant to ORS 183.417. In the Proposed Notice of Disciplinary Action the Board notified Respondent that the record in this matter would be used as the prima facie evidence in this matter.

Conclusions of Law

4.

The Board finds that conduct described above is a violation of ORS 684.015(1)(1), 684.020(1), ORS 684.100(1)(f) (A), (i) and (p), OAR 811-035-0015(6), (12), (14) and (22) that Respondent practiced chiropractic without a license and engaged in unprofessional conduct. The Board finds that the Respondent's conduct exposed the citizens of Oregon to great harm.

Order

5.

Due to the aforementioned violations, the OBCE orders Respondent to pay a civil penalty in the sum of \$10,000 to the Board. This is pursuant to their authority under ORS 684.100(9). Payment of the civil penalty is due within 30 days of this order becoming final.

IT IS SO ORDERED

DATED this 22<sup>nd</sup> day of June 2010

BOARD OF CHIROPRACTIC EXAMINERS  
State of Oregon

Original signature on file at OBCE

By:

Dave McTeague, Executive Director

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

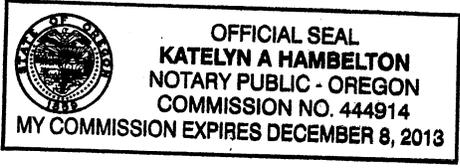
State of Oregon ) Case # 2009-3017  
County of Marion ) Chris McCutcheon

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 Final Order by Default 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 22<sup>nd</sup> day of June, 2010

Original signature on file at OBCE  
By \_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: Dec 8<sup>th</sup>, 2013



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

**Certificate of Service**

I, Dave McTeague, certify that on June 22, 2010. I served the foregoing Final Order by Default upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Chris McCutcheon  
5633 Mason Lane  
Klamath Falls, Oregon 97601

By Regular Mail to:

Chris McCutcheon  
5633 Mason Lane  
Klamath Falls, Oregon 97601

James. W. Hendry AAL  
Brownstein, Rask et. al.  
1200 S.W. Main St.  
Portland, Oregon 97205

**Original signature on file at OBCE**

\_\_\_\_\_  
Dave McTeague  
Executive Director  
Oregon Board of Chiropractic Examiners