



# Oregon

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## **Professional Boundaries and Sexual Misconduct**

Statement from the Oregon Board of Chiropractic Examiners  
May 3, 2011

Public Notice: The Board intends to increase sanctions and penalties for boundary violations and sexual misconduct. Board proposed consequences are case-specific and often multifactorial. Past orders have included: revocation, suspension, probation, education, fines, treatment, monitoring, and supervised patient encounters. The Board intends to increase sanctions significantly in all cases henceforth, and to increase consequences for noncompliance with Final Orders in all cases.

Currently, the Board has five investigations underway, two more with a Notice of Proposed Discipline and one appeal of an existing disciplinary action. This is part of a pattern that has continued for the last decade. These cases are in large part responsible for upwards of \$200,000 for legal costs in the current 2009-11 biennium.

Crossing boundaries with patients has serious consequences for patients. In one case, the patient reportedly attempted suicide as a result. Long-term deleterious effects have been documented in many sexual misconduct scenarios.

The consequences are far reaching for the doctor who engages in this conduct. Two recent board actions are a case in point. In one, a doctor inappropriately touched a patient during a treatment session. That patient made a complaint to law enforcement and the doctor was convicted in circuit court with a court ordered suspension from practice for three years, followed by an indefinite suspension by the OBCE. A second doctor who previously employed this doctor failed to report previous complaints from several patients and was fined \$5,000 for not attending to his statutory Duty to Report responsibility.

The primary mission of the Oregon Board of Chiropractic Examiners (OBCE) is to protect the public's safety with respect to the practice of chiropractic. There is nothing as damaging to patients and destructive of the public trust in the chiropractic profession than professional boundary crossings that involve patient-doctor sex or any sexually motivated contact. In addition to the professional literature that fully documents the harm done to patients, interviews with affected patients really brings this home. The harm done to patients and their loved-ones is real, painful, and often long lasting. That's why there has been a long-term consistent effort by the OBCE to address this issue.

### **Proactive approach**

- The OBCE has published accounts of board actions in the BackTalk newsletter
- Newly-licensed DC's meet with board members to address boundary and other professional issues
- The OBCE Executive Director makes a regular presentation to the 7<sup>th</sup> quarter patient management class at the University of Western States.
- Administrative rules were updated to clarify expectations of DCs and CAs.



- An evidence-based discussion of Professional Boundaries is included “Patient-Doctor Relationship” chapter of the OBCE’s *Educational Manual for Evidence-Based Chiropractic*.
- Two tools for self-assessment of risk of boundary violation are included in the *Educational Manual*.
- The OBCE Ethics & Jurisprudence applicant examination was updated to include specific questions about the patient-doctor relationship and boundary questions.

### **Protecting the public**

Despite these efforts, these complaints just keep coming. They require a large part of our investigator’s time and are a subject of Board discussion *at every meeting*.

After a thorough investigation, some complaints are dismissed as unfounded and the doctor is exonerated. However when the investigation reveals credible evidence of a violation, the board proposes disciplinary action. A few cases have resulted in license revocation or surrender. Many more have resulted in combinations of suspension, probation; license limitations (such as restricting certain procedures or requiring a chaperone) or rehabilitation to assure the public the doctor can continue to practice safely with no chance of re-offending. Some are required to take the PROBE (Professional Problem-Based Ethics) course, a three day group seminar with other similarly sanctioned health care professionals.

### **Ethics and values**

The OBCE has incorporated into its Strategic Plan the values of consistency, equity, honesty, responsibility and collaboration. Maintaining these values underlies the board’s aggressive efforts to eliminate sexual misconduct.

The Board’s bottom line is that reasonable protection against re-offending must be in place for the doctor to continue in practice. The Board must be able to assure the public that the doctor will not engage in boundary crossings again.

### **The future**

The OBCE’s Strategic Plan for the area of responsibility of Public Protection identifies the Outcomes the board is to achieve as:

- Patients will be protected from all undue harm by chiropractic physicians
- Chiropractic physicians subject to the OBCE’s complaint and disciplinary process will be treated equitably and fairly
- Should a violation be determined, sanctions will be consistent with other violations of a similar nature and proportional to the potential for harm to the public
- All affected parties will have the right of access to the process. Information will be made available to the extent allowed by law. Confidentiality will be protected to the furthest extent possible
- Sexual misconduct by licensed Oregon chiropractic physicians will be eliminated
- Chiropractic physicians will assure appropriate care for chiropractic patients.

These strategic goals will continue to motivate the board to do its best for all Oregonians in carrying out the board’s mission “... *to protect and benefit the public health and safety, and promote quality in the chiropractic profession.*”