



Oregon

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Oregon Board of Chiropractic Examiners

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Press Release

December 2, 2009

Board Proposes to Revoke Chiropractic License

The Oregon Board of Chiropractic Examiners (OBCE) is proposing to revoke the chiropractic license of Michael Hopkins DC, Scappoose. A Notice of Proposed Disciplinary Action was issued after an investigation into allegations of inappropriate behavior with a number of female patients.

Anyone with additional information may contact the OBCE's investigator at 503-373-1615.

Dr. Hopkins now has 30 days in which to respond and request a contested case hearing before an impartial administrative law judge. Following contested case hearing, the judge makes findings and issues a proposed order for the Board's consideration. After the Board makes a final decision, the licensee may appeal the decision to the Oregon Court of Appeals.

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.

(30)

For more information contact Dave McTeague, Executive Director, at 503-373-1620, or by email 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.



BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	NOTICE OF PROPOSED
Michael Hopkins, DC)	
License No; 3584)	DISCIPLINARY ACTION
)	(REVOCATION)
Licensee.)	
<hr/>		Case # 2009 - 1025

The Oregon Board of Chiropractic Examiners (hereafter "Board" or "OBCE") is the state agency responsible for licensing, regulating and disciplining chiropractic physicians and certified chiropractic assistants in the State of Oregon. Michael Hopkins DC (hereafter "Licensee"), is a licensed chiropractic physician in Oregon. The Board proposes to discipline Licensee for the following reasons:

1.

In 2007 Patient 1 first met Licensee as she became a patient. Patient 1 began to see Licensee regularly for back problems through 2007. Licensee began to hug Patient 1 when her treatment was over. At first, Patient 1 took these as friendly hugs and then it began to occur more often at the beginning of treatment that Licensee would hug her. Patient 1 then finished schooling in a massage program and approached Licensee about working with him. Then in December 2007, Licensee set up a massage appointment with Patient 1 to receive a Thai massage. Patient 1 divulged to Licensee issues she was having in her marriage and Licensee also shared details about his marriage struggles and fidelity issues.

In the spring of 2008, Patient 1 continued to treat with Licensee and had a recurring back issue. In the summer of 2008 she was doing many massages per day and was experiencing pain for which she again sought treatment with Licensee. Patient 1 broke up with her husband in July 2008. In August 2008 Licensee came to Patient 1's apartment to receive a massage as her thank you for all the treatment Licensee had been providing her. After the massage they sat on the patio and talked for an hour and a half where Licensee shared other marital issues. Licensee also told her to consider the massage she gave him to be her "interview massage" to be employed with his practice. Licensee soon asked Patient 1 to work for him and began to text her with flirtatious texts stating that he admitted to being attracted to her.

On September 16, 2008, Patient 1 had severe neck pain and called Licensee who came to her apartment. Licensee treated and massaged her. During treatment, Licensee told her to turn over and then kissed her. He began removing her dress and sexual intercourse occurred. After this occurred, Licensee told Patient 1 that "when he was driving to her home he had turned around several times thinking if he came to her apartment he knew he was going to do something."

Patient 1 continued to work at Licensee's clinic, at the same time they continued the sexual relationship. Patient 1 indicated that they would often have sex in the clinic after the work day was over and they were staying late.

In the Fall of 2008, Licensee attempted to break off the intimate relationship with Patient 1. At one point after trying to break it off Licensee then told Patient 1 that he loved her. The relationship continued through June 2009 until Licensee's wife contacted Patient 1 over the phone and fired her. His wife also confronted Patient 1 at the clinic and an altercation occurred where Licensee's wife scratched and punched Patient 1 and was criminally charged with harassment. Licensee had to break up the fight. A couple of weeks later, Licensee talked to Patient 1 and apologized for what had occurred and told her "he was sick and needed help, that he couldn't control himself, and wondered if the next patient walking through the door would have sex with him."

In a board interview, Licensee admitted to having an affair with Patient 1 and admitted that they had sex in the office several times. He also admitted to the altercation that occurred with his wife and Patient 1. The office manager and several patients were aware of the affair Licensee had with Patient 1.

2.

Patient 2 became a patient of Licensee in 2008. She has seen Licensee 12 times in the past year. Patient 2 also considered Licensee a friend. She had socialized with Licensee and his wife and had participated in a murder mystery party with them. Licensee also returned a necklace to her that she left at the clinic and had a glass of wine with her at her home. Patient 2 denied initially that she had ever kissed Licensee, but later in an interview said "it didn't ring a bell, and offered that it may have happened, but she didn't know why" without providing further explanation. In a Board interview, Licensee admitted that on June 2, 2009 he was working on her neck and she was facing up and she reached up and caressed his arms. He continued to massage her and she sat up and pulled him to her and kissed him. Licensee said the treatment ended when that occurred but he later discussed what he referred to as the "boundary crossing" with her.

Licensee made note of Patient 2 "putting her hands all over me and pulled me in close to kiss me" in the June 2 chart notes. Licensee also indicated in the chart notes that Patient 2 was asked not to return to the office for treatment due to, as he puts it, "we crossed a boundary today that we shouldn't have and I feel I can no longer treat her objectionably(sp)." Prior to this, on April 29th 2009, Licensee made note of Patient 2's prognosis and presentation as "poor- Ms.

is only here because she wants to piss off my massage therapist and to gain another notch in her bedpost by f—king me."

3.

Patient 3 has been good friends with Licensee for many years. She first started seeing Licensee as a patient in August 2005. Currently she sees him as a patient once a year. Their

families often socialize together and she and Licensee often socialize together alone or with their children. Licensee would text Patient 3 often and would inform her of information about his affair with Patient 1. Patient 3 stated that Licensee traded hugs freely with her and she was that way with all his friends. In a board interview, Licensee admitted that in the fall of 2008 he took a trip to Las Vegas with Patient 3 without his wife and his wife was aware of their friendship.

4.

Patient 4 was a patient in 2008-2009. When she came for treatments, she could hear Licensee discuss patients' problems in the small waiting room where other patients could overhear. Patient 4 recalled that Licensee mentioned potentially sensitive private health information in front of others.

5.

In the Board interview, Licensee admitted that he shared descriptive anatomical patient information about an older female patient to office staff and told the staff that she removed all of her clothing and was naked in the treatment room. He also told office staff about another female patient's anatomy and that something was pierced.

Licensee also admitted that he failed to keep contemporaneous chart notes for some patients, in fact letting some patient files fall as much as six months behind

6.

The Board finds that Licensee's conduct as described herein constitutes unprofessional conduct. Licensee's conduct, and pattern of blending doctor/patient and personal relationships as described above, in regards to Patients 1, 2 and 3 constitutes violations of ORS 684.100 (1)(g)(A); and OAR 811-035-0015(1)(a)-(e). The Board finds that there was a doctor/patient relationship with Patients 1, 2 and 3 prior to sexual contact and/or any boundary violations and that the doctor/patient relationship had not been appropriately terminated prior to sexual contact or boundary violation pursuant to OAR 811-010-0005(4). In regards to Patient 4 and paragraph 5 the Board finds that Licensee's conduct constitutes violations of ORS 684.100 (1)(g)(A); OAR 811-015-0005 (1) and OAR 811-035-0015(11).

7.

Due to the aforementioned violations, the OBCE proposes to revoke Licensee's chiropractic license.

8.

Licensee shall pay costs of this disciplinary proceeding, including investigative costs and attorney fees pursuant to ORS 684.100(9)(g).

9.

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.

10.

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.

11.

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.

12.

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.

Dated November 30, 2009

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signature on file at OBCE

By: _____
Dave McTeague
Executive Director

State of Oregon) Case # 2009 - 1025
County of Marion) Michael Hopkins 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 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

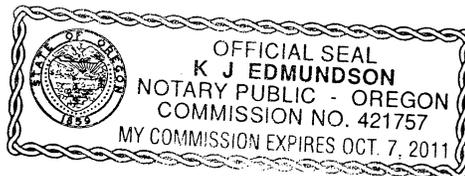
SUBSCRIBED AND SWORN to before me

this 30th day of November 2009

Original signature on file at OBCE.

NOTARY PUBLIC FOR OREGON

My Commission Expires: 10/7/2011



Certificate of Service

I, Dave McTeague, certify that on November 30, 2009, I served the foregoing Notice of Proposed Disciplinary Action upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Michael Hopkins DC
Hopkins Chiropractic
51669 S. Columbia River #130
Scappoose, OR 97056

Original signature on file at OBCE

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners