



Oregon

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October 17, 2018

Press Release

Chiropractic Wellness, Nutrition, and Functional Medicine

(Cases #2014-1030, 2015-1012, 2016-3007, 2015-3018, 2015-1001, 2015-3005, 2016-1007)

In the State of Oregon, chiropractic physicians (DCs) have the ability to provide possibly the broadest scope of practice in the United States. They are classified as Primary Care Providers, with the ability to sign birth and death certificates. In addition to what is generally considered standard chiropractic practice of providing the examination, diagnosis, and treatment of musculoskeletal disorders/conditions predominantly spinally related, DCs also provide nutritional counseling and wellness care. Oregon DCs can, with additional certification, deliver babies and perform minor surgery.

With this remarkably broad scope of practice, in comparison to most states, comes increased responsibilities on the part of the DC. The Oregon Board of Chiropractic Examiners (OBCE), consisting of five chiropractors and two public members, is tasked with ensuring public protection by licensing and regulating DCs and the practice of chiropractic in the State of Oregon. It is for this reason that the OBCE requires all licensed DCs to provide one standard of care to all patients, no matter what they consult the DC for. That standard of care is well defined by the OBCE delineating the acquisition of the patients' medical history, presenting complaints, followed by an appropriate clinical examination, rendering of a diagnosis or clinical impression, providing the patient a clear clinical treatment plan, providing them the opportunity to ask questions about the benefits, risks, and alternative treatments available to them prior to obtaining the patients' informed consent to provide treatment.

The following are four cases concerning trends related to health, wellness, nutritional advice, and functional medicine. Many of these cases have similar facts in common, such as the use of large public seminars to attract patients, failing to appropriately examine patients, failing to appropriately manage patient care, and advertising the ability to address or reverse a variety of medical conditions in such a manner to prospective patients report to the Board that they were led to believe that chronic conditions could be cured. The following cases are offered to better inform the public and the profession.

Werner Marksfeld, Case 2014-1030.

The OBCE has seen unlicensed practitioners come into the state to offer services in this area. An example of which is case 2014-1030: Mr. Werner George Karl Von Marksfeld-Fuhrherr who, at the time, was licensed in the state of Washington. Despite Mr. Marksfeld not holding an Oregon

license, he ran a “Thyroid and Weight Loss Seminar” in the Portland area and solicited and met with patients in Oregon. At this seminar, Mr. Marksfeld intimated that he could address thyroid issues, weight loss, and a host of associated medical disorders. Mr. Marksfeld charged perspective patients \$4,238.14 for this service. During the investigation, the OBCE noted that Mr. Marksfeld was not appropriately assessing or examining patients before recommending courses of treatment. Though academically trained as a chiropractic physician, Mr. Marksfeld also utilized a false academic credential, the “D.Psc,” Doctor of Pastoral Medicine. Mr. Marksfeld entered into a Stipulated Final Order with the OBCE, requiring him to no longer provide any seminars in Oregon, and if he begins doing so, he must not refer to himself as a “Doctor.” Along with other requirements, Mr. Marksfeld was required to pay a \$3,000 fine. https://obce.alcsoftware.com/files/marksfeld_99_14_1030.pdf

Dorian Quinn, LAc, Cases 2015-1012.

Mr. Quinn was investigated after patients contacted the OBCE with complaints over his failure to manage their conditions and respond to concerns related to side effects of the treatment. Mr. Quinn placed patients on medical weight loss programs without appropriately assessing, examining, or collecting a health history. When problems arose, he neglected to follow-up with patients or appropriately manage the serious medical conditions that arose because of the plans he placed patients on. At the end of OBCE’s investigation, Mr. Quinn surrendered his chiropractic license. As part of the Stipulated Final Order, Mr. Quinn was ordered to pay a fine of \$2,500 and immediately cease and/or cancel all advertisements listing him as a chiropractor or DC in all forms of media, print or audio included. Mr. Quinn used, and continues to use, the false academic credential, “PScD,” Doctor of Pastoral Medicine. https://obce.alcsoftware.com/files/quinn_2002_15_1012.pdf

Dr. Kim Christensen, Cases 2016-3007 and 2015-3018.

Dr. Christensen formerly operated a clinic called “Functional Endocrinology.” Dr. Christensen’s clinic focused on treating patients with Type II diabetes. Dr. Christensen managed health conditions through diet and consultation with a “nutritionist.” Dr. Christensen limited his examination to a series of blood tests, after which patients were placed on diets that were managed by staff other than himself. Dr. Christensen charged patients \$8,000 for this service. When questions were raised about the suitability of the program for a patient in her 90s, case 2015-3018, and a complaint was made to the OBCE, Christensen attempted to bribe the patient into withdrawing the complaint. Per the Stipulated Final Order, Dr. Christensen was required to surrender his license to practice chiropractic to cease practice and to no longer maintain majority ownership in any chiropractic office within the State. Further, he was required to pay a fine of \$7,000. https://obce.alcsoftware.com/files/christensen_1501_15_3018.pdf

Dr. Thaddeaus Gala, OAH Case no. 2016-ABC-00100, Agency Case Nos. 2015-1001, 2015-3005, and 2016-1007.

The OBCE received three complaints regarding the use of seminars focused toward prospective patients with diabetes and other health conditions, where the advertisements suggested that “medications can be reduced or eliminated after participation” in the programs Dr. Gala offered.

Following a contested case hearing on these complaints, Dr. Gala was found to have engaged in unprofessional or dishonorable conduct and engaged in gross negligence.

Dr. Gala recommended dietary changes to several patients with blood pressure issues and taking medication for those conditions, without consulting with their primary care physicians, which violated the standards of chiropractic care in such a way as to constitute a danger to the health and safety of those patients. Dr. Gala's own expert witness testified that "it was absolutely imperative for a chiropractor to contact the patient's medical professional to coordinate care before making change to a patient's diet or recommending the use of supplements."

Despite Dr. Gala's attempts to contract out of the duty, the Administrative Law Judge and the OBCE found that a doctor-patient relationship begins when the doctor obtains a health history from a patient and discusses nutritional changes. Dr. Gala was found to not appropriately assess the patients that were the subject of the complaints. Of further concern with the plans offered to patients was Dr. Gala's practice of utilizing unlicensed and unregulated "health coaches." Dr. Gala's organization employed "health coaches" who gathered information from patients regarding serious medical reactions but did not relay that information to Dr. Gala. Patients' only line of communication with Dr. Gala was through unlicensed health coaches, which led to Dr. Gala "abdicat[ing] his duties as a chiropractor."

In many of these cases, appropriate evaluation, examination, and assessment of patients have been of concern. While general health and nutritional advice may not always involve the assessment and treatment of physical structure or the spine, it is within the scope of chiropractic and carries with it the same standard of care. This was a key issue litigated in this case. There is but one standard of care for the treatment of all patients regardless of the intervention utilized. DCs are required to appropriately examine patients, gathering and assessing data to make determinations regarding their care. "Based upon the cursory nature of the review" of the information provided by patients and Dr. Gala's "failure to render a diagnosis," he violated that standard of care.

The Final Order requires Dr. Gala to complete and successfully pass the Ethics & Boundaries Assessment (EBAS) test; complete 10 hours of pre-approved continuing education in addition to hours needed to maintain his licensure; allow the OBCE to enter his clinics' premises to examine; review and photocopy his program participants' records to determine compliance with the final order; provide 2 file pulls of 3 files each for different patients age 65 and older and who have completed his program; implement new policies and procedures to ensure compliance with the standards of his profession; pay a civil penalty of \$15,000; and pay costs of the disciplinary proceeding that totaled \$70,920.29. https://obce.alcsoftware.com/files/gala_3687_16_1007.pdf

For further information on these cases please contact:

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