



# Oregon

Kate Brown, Governor

## Oregon Board of Chiropractic Examiners

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### Press Release – December 29, 2021

## BOARD ISSUES ORDER OF EMERGENCY SUSPENSION

### *Mario J. Tomaino, D.C., License #3525*

In an Emergency Board Meeting called by Board President Dr. Franchesca Vermillion, D.C., on December 29, 2021, the Oregon Board of Chiropractic Examiners (OBCE) has issued an Order of Emergency Suspension and Notice of Rights for Mario J. Tomaino, D.C. (Licensee), effective December 29, 2021.

The OBCE is the state agency responsible for licensing and regulation of the chiropractic profession with a primary mission of public protection. Disciplinary decisions are made by a seven-member board consisting of five chiropractic physicians and two public members.

On December 20, 2021, Licensee was arrested and charged with crimes that occurred in Clackamas County, Oregon. Said charges include luring of a minor (Class C Felony, ORS 167.057), online sexual corruption of a child (Class B Felony, ORS 163.433), and online sexual corruption of a child (Class C Felony, ORS 163.433).

The OBCE found that the acts and conduct of Licensee constituted grounds for immediate suspension and amount to unprofessional conduct and lack of good moral character. His conduct constitutes a clear and present danger to the health or safety of his patients and the public if allowed to continue before a hearing may be held. The alleged acts are in violation of ORS 684.100(1)(f)(A), ORS 684.040, and OAR 811-010-0005(5). The OBCE is authorized to and does immediately suspend Licensee's license to practice chiropractic, pursuant to ORS 183.430(2) and ORS 684.100(3).

Licensee has 90 days to request a hearing before an administrative law judge to contest the OBCE's order.

Anyone with additional information may contact Craig Kawaoka, DC, Healthcare Investigator, at [Craig.Kawaoka@obce.oregon.gov](mailto:Craig.Kawaoka@obce.oregon.gov).

For more information, contact Cassandra C. McLeod-Skinner, Executive Director, at 503-373-1620, [cass.mcleod-skinner@obce.oregon.gov](mailto:cass.mcleod-skinner@obce.oregon.gov).

BEFORE THE  
BOARD OF CHIROPRACTIC EXAMINERS  
STATE OF OREGON

In the Matter of	)	Case # 2021-3029
	)	
	)	
Mario J. Tomaino, D.C.,	)	ORDER OF
	)	EMERGENCY SUSPENSION
	)	NOTICE OF RIGHTS
_____	)	

The Oregon Board of Chiropractic Examiners (Board) is the state agency responsible for licensing, regulating, and disciplining chiropractic physicians in the State of Oregon. Mario J. Tomaino, D.C. (Licensee), is currently licensed by the Board to practice as a chiropractic physician in Oregon and is subject to the jurisdiction of the OBCE. Effective December 29, 2021, Licensee is ordered to immediately stop practicing chiropractic until further order of the Board. The Board finds that Licensee should be emergency suspended based on the following:

1.

On or about December 15, 2021, the Board became aware that Licensee was arrested and charged with crimes that occurred in Clackamas County, Oregon. In Clackamas County Case number 21 CR 61762, filed on December 20, 2021, Licensee was charged by information with the following:

1. Luring a minor; ORS 167.057 (Class C felony)
2. Online sexual corruption of a child; ORS 163.433 (Class B Felony)
3. Online Sexual corruption of a child; ORS 163.432 (Class C felony)

The information alleged that Licensee unlawfully and knowingly furnished to or use, with police officer posing as minor, visual representation, an explicit verbal description or narrative account of sexual conduct, for the purpose of inducing the minor or purported minor to engage in sexual conduct and in the other counts, that Licensee knowingly, as a person who is 18 years of age or older, did unlawfully and for the purpose of arousing and gratifying person's sexual desire, knowingly use an online communication to solicit child to engage in sexual contact and sexually explicit conduct and offered and agreed to physically meet with the child and intentionally took substantial step toward physically meeting with and encountering the child.

Licensee is set to be criminally arraigned in Clackamas County Oregon on January 10, 2022.

Licensee was disciplined in case 2005-3014 for inappropriate sexual boundary violations that resulted in a reprimand, requirement to take an ethics class, and a civil penalty of \$1,000.

2.

The allegations as noted above in paragraph 1, if proven, would constitute multiple violations of ORS 684.100(1)(f)(A), ORS 684.040, OAR 811-010-0005(5), ORS 670.280(3) as these acts are substantially related to the fitness and ability of Licensee to engage in chiropractic care in the state of Oregon.

3.

The Board found that the acts and conduct of Licensee described above constitutes grounds for immediate license suspension and amounts to unprofessional conduct and lack of good moral character. Licensee's practice, as described above, constitutes a clear and present danger to the health or safety of his patients and the public if allowed to continue before a hearing may be held. The above acts are in violation of ORS 684.100(1)(f)(A), ORS 684.040, OAR 811-010-0005(5), and ORS 670.280(3). Therefore, the Board is authorized to and does immediately suspend licensee's chiropractic license pursuant to ORS 183.430(2) and ORS 684.100(3).

4.

Rationale for the suspension is as follows:

The Board has received credible information from law enforcement of Licensee's inappropriate attempts to lure a minor for criminal intent. This type of conduct to a minor amounts to acts of unprofessional conduct. In addition, the Board has credible information that Licensee has been arrested and charged with three different counts of luring a minor and online sexual corruption of a minor crimes in Clackamas County, Oregon.

In view of the nature of the alleged misconduct and its repeated nature, there is a high probability of recurrent acts of endangerment of patients if the Licensee is to continue to practice chiropractic prior to any completion of a hearing and/or finalization of this investigation. The Board has grave concerns that Licensee is unable to safely and competently practice chiropractic. The nature of the complaints and the current behaviors of Licensee place great risk of potential harm to individual patients.

5.

Licensee's license is suspended effective December 29, 2021, and Licensee is not permitted to practice chiropractic in the State of Oregon pending the outcome of further disciplinary action.

6.

Licensee has the right, if Licensee requests, to have a formal contested case hearing pursuant to ORS 183.430(2) and OAR 137-003-0560 as soon as practicable to contest this Emergency Suspension Order. Licensee has a right to demand that a hearing be held as soon as practicable to contest the emergency suspension order. Such a request must be made in writing and must be received in the Board's office no more than 90 days after the effective date of this order. If not so received, Licensee's right to a hearing under ORS chapter 183 will be waived. If Licensee timely requests a hearing, the hearing could be consolidated with any other Board proceeding affecting this license. Licensee may elect to be represented by counsel and to respond and present evidence and argument on all issues involved. After the hearing, the Board will issue an order confirming, altering or revoking this suspension order.

7.

**NOTICE TO ACTIVE DUTY SERVICEMEMBERS:**

Active duty service members have a right to stay these proceedings under the federal Service members Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

IT IS SO ORDERED this 29th day of December, 2021.

**BOARD OF CHIROPRACTIC EXAMINERS**  
State of Oregon

By: \_\_\_\_\_

Signatures on file with the OBCE office

Cassandra C. McLeod-Skinner J.D.  
Executive Director  
Oregon Board of Chiropractic Examiners

### **Certificate of Service**

I, Cassandra C. McLeod-Skinner, certify that on December 29, 2021, I served the foregoing Order of Emergency Suspension upon the party hereto by email and by mailing, postage prepaid, a true, exact, and full copy thereof to:

Mario J. Tomaino  
6516 N. Maryland Ave.  
Portland, OR 97217  
drtomaino@gmail.com

Clackamas County Jail  
Attention Mario J. Tomaino  
2206 Kaen Road  
Oregon City OR 97045

Signatures on file with the OBCE office

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Cassandra C. McLeod-Skinner, J.D.  
Executive Director  
Oregon Board of Chiropractic Examiners