

BEFORE THE  
BOARD OF CHIROPRACTIC EXAMINERS  
STATE OF OREGON

In the Matter of	)	Case # 2012-1038; 2012-3027
	)	
Dorian Quinn DC	)	STIPULATED FINAL ORDER
	)	
	)	

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. Dorian Quinn, D.C. (hereinafter "Licensee", is currently licensed by the Board to practice as a chiropractic physician in Oregon

1.

Two complaints were filed against Licensee and Licensee met with the Peer Review Committee regarding the complaints and their review of patient files. The Peer Review Committee alleged CPT codes violations, inadequate chart notes, and continued treatment of a patient without adequate results. Licensee disputes these allegations.

2.

On April 20, 2013, the Board filed a Proposed Notice of Discipline alleging various violations. The Proposed Notice of disciplinary Action is hereby incorporated by reference.

3.

If this matter were to proceed to a contested case hearing the Board alleges that violations of ORS 648.100(1)(A), OAR 811-015-0005(1), OAR 811-015-0010, OAR 811-035-0015(1), (2), (3), (4), and (12) would be proved. Licensee disputes each of these allegations. Both parties have agreed that a contested case hearing would be lengthy and costly. The parties have therefore agreed to a compromise settlement as set out below.

4.

Pursuant to ORS 183.415(5) and ORS 648.100(9)(e) the Board orders the following:

1. The parties agree that this stipulated final order shall be entered as the Final Order in this matter. Licensee is aware of his right to a hearing with his attorney present to contest the charges and hereby waives that right and agrees to entry of this order. By signing this stipulation licensee waives any right to appeal the order.
2. This is a compromise settlement of a disputed matter and licensee makes no admission of liability or violation of any statute or rule by entering into this

stipulation. Licensee does not agree with the Board's findings and Conclusions of Law and agrees to this order as a compromise with no admissions by Licensee.

3. Licensee agrees to provide the Board with patient files to be reviewed for a period of two years. Licensee's files will be required to meet minimal competency in record keeping and billing. Licensee agrees to cooperate with the file pulls and allow Board staff to obtain files to review from his clinic.
4. Licensee shall pay a civil penalty in the sum of \$2,500 due within 90 days of the entry of this order. Failure to make full payment of this penalty by that time may result in further discipline, up to and including revocation.
5. Licensee shall complete 12 hours of continuing education on clinical justification and 8 hours of continuing education on ethics. This continuing education is in addition to the required amount for licensure and must be complete within 90 days of the effective date of this final order. The Board will allow Licensee to count 8 hours toward ethics that Licensee took in October, 2013. The Board will also allow Licensee to count 6 credit hours previously taken for clinical justification. This leaves 6 hours remaining that Licensee has to complete in clinical justification.
6. Failure to complete the requirements of this stipulated order may result in further disciplinary action, up to and including license revocation.

**IT IS SO STIPULATED AND AGREED TO:**

DATED this 12th day of May, 2014.

By: Original signatures are on file  
in OBCE office —  
Dorian Quinn, D.C.

DATED this 14th day of May, 2014.

BOARD OF CHIROPRACTIC EXAMINERS  
State of Oregon

Original signatures are on file in  
OBCE office —  
By: Dave McTeague, Executive Director

BEFORE THE  
BOARD OF CHIROPRACTIC EXAMINERS  
STATE OF OREGON

In the Matter of	)	
	)	Case # 2010-1020
Dorian Quinn, D.C.	)	
	)	
	)	FINAL STIPULATED
Licensee.	)	ORDER
	)	
_____	)	

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. Dorian Quinn, D.C. (hereafter "Licensee"), is currently licensed by the Board to practice as a chiropractic physician in Oregon.

Findings of Fact

1.

On October 12, 2009, Patient A made an appointment with Licensee suffering from back and foot pain and complaining he was having difficulty putting on his shoes and socks. While being evaluated, Patient 1 was shown several testimonials from patients that were suffering from similar conditions. He was directed to Licensee's website for further information where he found additional testimonials. Based on those testimonials that he had read, he consented to a treatment program from Licensee on October 13, 2009. He treated with Licensee for several months and on March 25, 2010, terminated his treatment claiming that he did not get the results he had hoped for. He requested a full refund and Licensee refused.

2.

The Peer Review Committee of the Board reviewed information in this matter including Licensee's website pages and the Agreement of Voluntary Compliance Licensee had signed dated July 6, 2007 in reference to case numbers 2006-1058 and 2005-4001. Licensee had received complaints regarding his website advertisements and had agreed to review his advertising on a regular basis whether generated by him or by contract third parties to ensure compliance with OAR 811-015-0045 and the Oregon Doctor's Title Act and agreed to cease and desist from certain advertisements that were unsupportable and misleading to the public. Licensee also agreed to clearly identify himself as a chiropractic physician on page one or two of all printed advertising materials.

3.

Licensee indicated in his treatment of Patient 1 that he treated him for 20 visits per the agreement and when the patient still had complaints of low back pain and could not tie his shoes,

Licensee continued to treat him 20 additional visits at no additional cost until Patient 1 terminated his care.

4.

Investigation into this case by the Committee showed the following:

a. Review of chart notes of Patient 1's treatment showed that Licensee provided supplements but there was no documentation as to what type of supplements were prescribed. This violates ORS 684.100(1)(f)(A) and OAR 811-015-0005(1)(b).

b. Licensee agrees that the records did not reflect the names of the treating physicians. The Board finds that there is poor differentiation of who did the treatment in the chart notes of P 1. This violates ORS 684.100(1)(f)(A) and OAR 811-015-0005(1)(b).

c. In his chart notes of Patient 1, the chart notes do not indicate if Licensee is treating Patient 1 as a chiropractor or an acupuncturist, as Licensee has dual licensure. This violates ORS 684.100(1)(f)(A) and OAR 811-015-0005(2).

d. On Licensee's current website ([www.portlandbackpain.com](http://www.portlandbackpain.com)), there is a printout of Licensee's web page titled "comparison" at the top of the web page and it reads "Portland Chiropractic Comparison of Spinal Decompression to other Medical Options." There was a list of treatments comparing the "success rates" of spinal decompression to surgical procedures. This comparison of treatment to other surgical procedures is in violation of OAR 811-015-0045(1)(b).

e. The Peer Review Committee, comprised of 5 chiropractors, did not feel that Licensee's website clearly identified Licensee as a Chiropractor or Chiropractic Physician on the first two pages of his website. Review of the website on December 9, 2010 found that Licensee does not clearly identify himself and the information on the first several pages would lend someone to believe they may be contacting a medical doctor as the word Doctor is used in the information. This is in violation of ORS 676.110(2), 684.100(1)(i), OAR 811-015-0045(3). These continued advertisements also violate the Agreement of Voluntary Compliance which is a violation of ORS 684.100(1)(f)(A) and OAR 811-035-0015(23).

5.

Licensee's continued reluctance to become fully compliant with statutes and administrative rules is illustrated in previous exchanges between Licensee and the OBCE. Licensee's history dates back to July 12, 2005 when Licensee faxed a letter to the OBCE stating his intent to come into compliance with the Oregon Doctor's Title Act, ORS 676.110. On the basis of this pledge, Complaint # 2005-4001 against Licensee was closed with a finding of Insufficient Evidence (I.E.).

Order

6.

Licensee wishes to resolve this matter and hereby waives any right to appeal or to a contested case hearing. Licensee is aware of his right to an attorney in representing him in this matter and hereby agrees to the following stipulations. The Board finds Licensee in violation of ORS 676.110(2), 684.100(1)(i), ORS 684.100(1)(f)(A), OAR 811-015-0045(3) and OAR 811-035-0015(23) and orders Licensee to complete the following:

1. Licensee will receive a letter of reprimand.
2. Licensee must attend 4.5 hours of continuing education on documentation and chart noting and these can be counted toward the requirement for licensure. This must occur within the next 6 months after this order becomes final. Licensee is responsible to provide verification of completion of the above continuing education to the Board.
3. Licensee agrees to two years of random file reviews by the Board or their representative. This means that Licensee must be cooperative when the Board or their representative requests files from him and must provide those within a reasonable time limit. The Board or their representatives are allowed to enter Licensee's business premises to examine, review and photocopy Licensee's patient and related billing records. Failure to abide by this review may be cause for further disciplinary action.
4. Licensee will pay a \$2000 civil penalty. This will be paid within 30 days this order becomes final. Failure to may payment could result in further discipline.
5. Further violations of this final order may result in further discipline up to and including revocation of the license.

Effective last date signed below:

BOARD OF CHIROPRACTIC EXAMINERS

State of Oregon

*Original signature on file at OBCE*

BY: 

Dave McTeague, Executive Director

Date: 5-12-2011

BY: *Original signature on file at OBCE*

Dorian Quinn DC, Licensee

Date: 5.4.11

BEFORE THE  
BOARD OF CHIROPRACTIC EXAMINERS  
STATE OF OREGON

In the Matter of	)	
	)	Case # 2010-1020, 1021
Dorian Quinn DC	)	
	)	
	)	<b>NOTICE OF PROPOSED</b>
Licensee.	)	<b>DISCIPLINE</b>
	)	
<hr style="width:45%; margin-left:0;"/>		

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1.

On October 12, 2009, Patient 1 made an appointment with Licensee suffering from back and foot pain and complaining he was having difficulty putting on his shoes and socks. While being evaluated, Patient 1 was shown several testimonials from patients that were suffering from similar conditions. He was directed to Licensee's website for further information where he found additional testimonials. Based on those testimonials that he had read, he consented to a treatment program from Licensee on October 13, 2009. He treated with Licensee for several months and on March 25, 2010, terminated his treatment claiming that he did not get the results he had hoped for. He requested a full refund and Licensee refused.

2.

The Peer Review Committee of the Board reviewed information in this matter including Licensee's website pages and the Agreement of Voluntary Compliance Licensee had signed dated July 6, 2007 in reference to case numbers 2006-1058 and 2005-4001. Licensee had received complaints regarding his website advertisements and had agreed to review his advertising on a regular basis whether generated by him or by contract third parties to ensure compliance with OAR 811-015-0045 and the Oregon Doctor's Title Act and agreed to cease and desist from certain advertisements that were unsupportable and misleading to the public. Licensee also agreed to clearly identify himself as a chiropractic physician on page one or two of all printed advertising materials.

3.

Licensee indicated in his treatment of Patient 1 that he treated him for 20 visits per the agreement and when the patient still had complaints of low back pain and could not tie his shoes, Licensee continued to treat him 20 additional visits at no additional cost until Patient 1 terminated his care.

4.

Investigation into this case by the Committee showed the following:

- a. Review of chart notes of Patient 1's treatment showed that Licensee provided supplements but there was no documentation as to what type of supplements were prescribed. This violates ORS 684.100(1)(f)(A) and OAR 811-015-0005(1)(b).
- b. Licensee admitted in a Peer Review Committee interview that Licensee never provided the treatment but had another chiropractor provide the care or Licensee's chiropractic assistant would set him up on the DRX 9000 decompression unit. There is poor differentiation of who did the treatment in the chart notes of Patient 1. This violates ORS 684.100(1)(f)(A) and OAR 811-015-0005(1)(b).
- c. In his chart notes of Patient 1 and Patient 2, the chart notes do not indicate if Licensee is treating these patients as a chiropractor or an acupuncturist, as Licensee has dual licensure. This violates ORS 684.100(1)(f)(A) and OAR 811-015-0005(2).
- d. On Licensee's current website ([www.portlandbackpain.com](http://www.portlandbackpain.com)) there is a printout of Licensee's web page titled "comparison" at the top of the web page and it reads "Portland Chiropractic Comparison of Spinal Decompression to other Medical Options." There was a list of treatments comparing the "success rates" of spinal decompression to surgical procedures. This comparison of treatment to other surgical procedures is in violation of OAR 811-015-0045(1)(b).
- e. The Peer Review Committee, comprised of five chiropractic physicians, did not feel that Licensee's website clearly identified Licensee as a Chiropractor or Chiropractic Physician on the first two pages of his website. Review of the website on December 9, 2010 found that Licensee does not clearly identify himself and the information on the first several pages would lend someone to believe they may be contacting a medical doctor as the word Doctor is used in the information. This is in violation of ORS 676.110(2), 684.100(1)(i), OAR 811-015-0045(3). These continued advertisements also violate the Agreement of Voluntary Compliance which is a violation of ORS 684.100(1)(f)(A) and OAR 811-035-0015(23). Specifically, Licensee has violated sections 1, 4, 5, 6 and 9 of the Agreement of Voluntary Compliance signed and entered on July 6, 2007.

5.

Licensee's continued reluctance to become fully compliant with statutes and administrative rules is illustrated in previous exchanges between Licensee and the OBCE. Licensee's history dates back to July 12, 2005 when Licensee faxed a letter to the OBCE stating his intent to come into compliance with the Oregon Doctor's Title Act, ORS 676.110. On the basis of this pledge, Complaint # 2005-4001 against Licensee was closed with a finding of Insufficient Evidence (I.E.).

6.

The Board proposes the following discipline:

1. A Letter of Reprimand;

2. Three years probation;
3. Two year random file reviews. Licensee is required to cooperate with the OBCE and their representatives in the selection of those records. The Board or their representative is allowed to enter Licensee's business premises to examine, review and photocopy Licensee's patient and related billing records;
4. \$5000 Civil Penalty payable to the Board within 30 days this order becomes final. Failure to timely pay this civil penalty may result in a subsequent Notice of Proposed Suspension of License.
5. 18 hours of continuing education on record keeping and clinical justification to be completed within the within the next 6 months. Licensee will be responsible to provide verification of the CE and that will be required in addition to the amount required for licensure. Failure to make timely payment may be cause for further disciplinary action up to and including revocation.

7.

Licensee shall pay costs of this disciplinary proceeding, which may include investigative costs and attorney fees pursuant to ORS 684.100(9)(g). This cost recovery may also include collection of non-sufficient funds fees, interest, hearing panel and contested case related expenses. The statutory rate of interest applies to an amount not paid when due. This amount is immediately due and payable unless the OBCE agrees to a payment plan.

8.

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.

9.

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.

10.

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.



11.

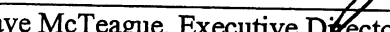
If Licensee fails to request a hearing within 30 days, or fails to appear as scheduled at the hearing, the OBCE may issue a final order by default and impose the above sanctions against Licensee. Upon default order of the Board or failure to appear, the contents of the Board's file regarding the subject 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 February 3, 2011

**BOARD OF CHIROPRACTIC EXAMINERS**  
State of Oregon

Original signature on file at OBCE

By:

  
\_\_\_\_\_  
Dave McTeague, Executive Director

## VERIFICATION

State of Oregon ) Dorian Quinn DC  
County of Marion ) Case # 2010-1020, 1021

I, Dave McTeague, being first duly sworn, state that I am the Executive Director of the Board of Chiropractic Examiners of the State of Oregon, and as such, am authorized to verify pleadings in this case: and that the foregoing Notice 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 3rd day of February, 2011.

Original signature on file at OBCE

NOTARY PUBLIC FOR OREGON  
My Commission Expires: 10-7-2011

