



Oregon

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Press Release

February 12, 2013

Board Proposes to Suspend Chiropractic License

The Oregon Board of Chiropractic Examiners (OBCE) is proposing a two-year suspension of the chiropractic license of Donald Reneau DC, Roseburg. A Notice of Proposed Disciplinary Action was issued on January 30, 2013 following investigation of allegations of inappropriate behavior and treatment by a number of female patients.

Dr. Reneau has 30 days to request a hearing before an administrative law judge. Following 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.

The OBCE has addressed doctor-patient boundary issues as a high priority for public protection. In 2012, they required all chiropractic physicians in Oregon to take continuing education on this subject. The OBCE receives 7 to 15 boundary complaints a year, sometimes several complaint address one practitioner.

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

(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
)	
Donald E. Reneau DC)	DISCIPLINARY ACTION
)	
Licensee # 3086)	Case # 2011-1026, 2012-1042,
)	2012-1055, 2012-3036, 2013-1001
)	
)	

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. Donald E. Reneau DC (hereafter "Licensee"), is a licensed chiropractic physician in Oregon. The Board proposes to discipline Licensee for the following reasons:

1.

In April 2010 Patient 1 began to see Licensee as a patient for spinal pain associated with a lifting injury. From the beginning Patient 1 felt uncomfortable with some of the comments that Licensee would make to her. At times, Licensee would switch from acting "fatherly" to acting playful and flirtatious with Patient 1. At times, Licensee would provide treatment with the door open, yet at other times he would close the door.

In the beginning of her treatment Patient 1 said Licensee was "touchy-feely" after he finished adjusting her. He would excessively pat on her back, stroke her back, shoulders and arms. On one visit, He softly stroked her hair out of her face while she was speaking to him, lying stomach down on the table.

Initially during treatment he would greet Patient 1 with a light stroke on her arm. Gradually as she came for more and more treatment, Licensee changed his behavior. While greeting her on one occasion, he lightly stroked her arm and said "your skin is as soft as a baby's bottom". On another occasion, during treatment he lightly touched her skin on the upper part of her calf and said the same "baby's bottom" comment. At the beginning of another visit, Licensee leaned over Patient 1 with his head on her shoulder, without saying anything. On another visit, he picked up Patient 1's hand and told her "you have pretty hands."

Licensee would frequently call Patient 1 pet names; referring to her as “princess” and “sunshine.” On one occasion he walked in for a treatment and said to Patient 1, “.you are a good girl, aren’t you?”

Patient 1 recalls during a visit that Licensee quickly popped the back of her bra strap and said “back braces for women.”

Licensee would frequently provide compliments to Patient 1 about her body. He made comments like “you are small, but tall,” “do you work out?” and “you are little for having children.” Licensee commented about the shape of her body as compared to the husband to Patient 1. Sometimes when he would make these comments others could overhear them as they were in the common areas of the clinic.

Patient 1 also became aware as treatment progressed that Licensee was staring at her. He would stare to the point of making her uncomfortable. At one point, Patient 1 recalled Licensee looking at her chest as she walked out of the room and the staring made Patient 1 feel that Licensee was being intrusive and disrespectful. Patient 1 tried to give Licensee the benefit of the doubt in the conduct she noticed, but it still continued to occur.

After one month of treatment Licensee would engage Patient 1 in personal information about her family asking her questions about how she was raised as a child and other family information. Licensee also offered her use of his vehicle for her job.

During one adjustment while Patient 1 was face down on the table, Licensee briefly placed his hands on her buttocks saying he was going to take care of her low back. He wasn’t touching her tailbone or muscles, it was just on top of her buttocks. This made patient 1 feel uncomfortable. It wasn’t something he had done before in other adjustments he had provided.

While providing care and standing in front of Patient 1, Licensee noticed a scar she had between her breasts and asked how she got that scar. When Patient 1 told him, he then, without permission, placed one finger on the scar and pressed it lightly and looked at it, as if he was examining it. He went on to critique the stitching of the scar, commenting that the dermatologist did a poor job. This made Patient 1 very uncomfortable.

On one visit Patient 1 wore shorts. As he was working on her, Licensee touched the upper part of her thigh just below the hem of her shorts. He wasn’t working on that area but had just touched it gently. It felt to Patient 1 as if Licensee was slowly feeling her skin. He also touched a scar that was on the back of Patient 1’s thigh and asked her how she got the scar? Licensee then without asking Patient 1’s permission, pushed down her top’s shoulder strap and pushed down her bra shoulder strap as well. He then touched that area and then put both straps back. Licensee then had her stand up while he massaged her shoulders, and the massage became very light on her shoulders as if he was caressing them. This made Patient 1 very nervous. Patient 1 complained to the massage therapist that she felt Licensee was too “touchy-feely” to her on that date.

On her last treatment with Licensee, he put his hand on her pubic area on the top of her jeans. Licensee told her it was to test these muscles. Prior to touching her there, Licensee did not get her permission to do so.

On her last visit Licensee asked Patient 1 about a tattoo she had and made a comment that her work out was making her very fit, and there was nothing she could do to make herself look too masculine. He also discussed her age with her and asked her the measurements of her waist. During this visit Licensee put his hand around Patient 1's waist.

Throughout her treatment with Licensee, Patient 1 felt guilty and ashamed as if she had been manipulated by Licensee. Patient 1 sought professional counseling due to the conduct of Licensee.

2.

Patient 2 became a patient of Licensee in 2012. Licensee made comments to her about "making babies over the weekend." He told her she should "find a rich guy and get your sexy ass to law school." He also said after doing a treatment "don't tell anyone I held you down on the table" and while touching her back said "don't tell anyone about me touching all over your body, or I'll go to prison for 10 years." Licensee would visit her while she was working, making her uncomfortable. While he provided her treatment, Licensee would call her pet names, and once pulled down her shirt to look at her tattoo without warning or consent. Patient 2 said that the longer she saw Licensee, the more personal his comments became. On one occasion, while receiving treatment Licensee put his hands under her pants and underwear over her buttocks all the way down to the crease of her leg, without explanation. Patient 2 found him to be flirty, forward, unprofessional and too personal, and unlike any of the other medical professionals she had seen. She began to dread having to see him for treatment because of this.

3.

Patient 3 sought treatment in 2005 from Licensee. Licensee would make discomforting personal comments to her and touch her suspiciously over the course of her treatments. For instance, he would stroke her legs, and then from her knee just to below the buttocks while she was face down on the table. She stopped going to him because what he discussed and how he touched her made her uncomfortable. Licensee would comment repeatedly on her skin, her tan, the lack of tan lines, how she took good care of herself and her appearance and would brush up against her buttocks and breasts during treatment.

4.

Patient 4 sought treatment in 2010 and observed Licensee being too forward with patients and flirtatious with them. She felt he was overly affectionate with the patients and staff and it made her uncomfortable. When he treated her he would often rest his hand somewhere on her

body during the treatment. For example, he would rest it on her low back or upper leg. She felt that when he touched her for treatment, it seemed more like a caress than treatment.

5.

The Board finds that Licensee's conduct as described herein constitutes unprofessional conduct. Licensee's conduct, as described above, in regards to Patients 1, 2, 3 and 4, constitutes violations of ORS 684.100 (1)(f)(A); and OAR 811-035-0015(1)(a)-(e). The Board finds that there was a doctor/patient relationship with Patients 1 through 4 prior to physical contact and that the doctor/patient relationship had not been appropriately terminated prior to physical contact pursuant to OAR 811-010-0005(4).

6.

Due to the aforementioned violations, the OBCE proposes to:

- 1) Suspend Licensee's License for a two year period. Prior to release from suspension, Licensee must comply with all relevant provisions of the Final Order.
- 2) Require Licensee to attend and complete the ProBE ethics program within six months of the date of the final order, and provide a certificate of successful completion of the program to the Board within 30 days of completion along with a final report as required by that program,
- 3) Take and pass the NBCE Ethics and Boundaries examination within one year of this order being final,
- 4) That within one year, Licensee must obtain a psychosexual evaluation from a Board approved psychologist or psychiatrist. This evaluation must deem Licensee safe to return to the practice of chiropractic in the State of Oregon before being allowed to do so. Licensee must fully cooperate and provide any requested release of records to complete this evaluation. Licensee must follow all of the evaluator's recommendations, including counseling, further evaluation or any other recommendations.
- 5) Require Licensee to have a permanent restriction on his license to have a board approved chaperone for all female patients. The patients shall sign a statement that they understand they are required to have a chaperone and that requirement cannot be waived by any patient. The chaperone shall not be related to the Licensee or involved in a past or current personal relationship with Licensee. The chaperone shall meet with representatives of the Board to be interviewed and approved. The Licensee shall provide the chaperone with a copy of the Final Order and obtain the chaperone's agreement to inform the Board if the chaperone has any concerns that Licensee has violated the conditions of this order or is engaging in behavior which may place a patient at risk. An agreement with

Licensee stipulating no harm or retribution to the chaperone may be incurred for reporting to the Board will also be signed. A copy of this agreement with each chaperone using the Board's template will be provided to the Board. The chaperone shall initial the patient's chart at the time of each visit to confirm presence during the visit. The chaperone must be provided for all female patients regardless of age and the chaperone may be a Certified Chiropractic Assistant that is employed by Licensee

6) Must submit to Board interviews upon request,

7.

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

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.

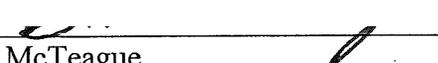
If Licensee fails to request a hearing within 30 days, or fails to appear as scheduled at the hearing, the OBCE may issue a final order by default and impose the above sanctions against Licensee. Upon default order of the Board or failure to appear, the contents of the Board's file

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 January 30, 2013.

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original Signatures are on file at ^{OBCE} office

By: 
Dave McTeague
Executive Director

State of Oregon) Case # 2011-1026, 2012-1042, 2012-1055,
) 2012-3036, 2013-1001
)
County of Marion) Donald E. Reneau 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 Signatures are on file at OBCE office

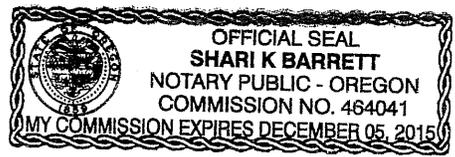
Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

SUBSCRIBED AND SWORN to before me

this 30th day of January, 2013

Original Signatures are on file at OBCE office

NOTARY PUBLIC FOR OREGON
My Commission Expires: Dec 05 2015

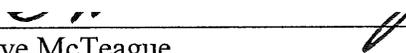


Certificate of Service

I, Dave McTeague, certify that on January 30, 2013, 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:

Donald Reneau, DC
Roseburg Chiropractic Center
1632 NW Hughwood Ct Ste 1
Roseburg, OR 97471

Original Signatures are on file at OBCE office



Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners