



Oregon

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Oregon Board of Chiropractic Examiners

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Public Statement

October 7, 2011

For Immediate Release

EMERGENCY SUSPENSION ISSUED

The Oregon Board of Chiropractic Examiners (OBCE) has suspended the chiropractic license of Bryan Scott DC ND for failure to comply with his license restriction against treating minor patients. Dr. Scott is reported to have treated a number of minor patients while he was the only doctor and principle associate in a clinic for an estimated seven month period in 2010.

The OBCE voted unanimously to issue an emergency suspension at their Thursday, October 6, 2011 meeting following an investigation. Dr. Scott may now request a hearing to within ninety days to occur soon as possible.

Dr. Scott has been on probation with both the chiropractic and naturopathic boards since 1999 following his self-report of sexual abuse involving two minors. However, there was no prosecution or conviction and a subsequent psychological evaluation rated him at "low risk to reoffend" as long as a treatment regimen was maintained.

The OBCE determined and Dr. Scott admits he did not reveal his license restriction to his employer. The OBCE finds there is sufficient evidence that Dr. Scott violated his restriction even though Dr. Scott has denied this.

The OBCE also approved a Notice of Proposed Revocation which will be issued soon.

(30)



BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

In the Matter of)	
)	EMERGENCY
Bryan Scott, D.C.)	SUSPENSION ORDER
License No; 1192)	
)	
Licensee.)	Case # 2011-3021
_____)	

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. Bryan Scott, D.C. (hereafter “Licensee”), is a licensed chiropractic physician in Oregon. The Board proposes to emergency suspend Licensee for the following reasons:

1.

On March 26, 1999, Licensee was placed on license restrictions due to a Final Order dated March 26, 1999 which found that Licensee had violated unprofessional conduct by engaging in sexual conduct during the year 1982 with S.F. (male) who was between eleven and twelve years old, on five or six occasions over a two month period of time. That order also indicated that Licensee had used nitrous oxide to lower S F’s resistance and caused S F to watch sexually explicit videos. In August 1992 Licensee engaged in sexual conduct with S G a fifteen year old male in his chiropractic offices. Licensee also used nitrous oxide to lower S G’s resistance and caused S G to watch sexually explicit videos.

Licensee was placed on ten year probation with certain restrictions. The restrictions licensee had were a number of requirements regarding seeking psychological treatment and

abiding by those requirements and also included a permanent restriction on his license from treatment of any minors under any circumstance. The Board kept those restrictions on Licensee by reaffirming that in Orders signed on March 23, 2009 and March 23, 2011. In these orders Licensee was still prevented from seeing minor patients.

As Licensee was also a naturopath, the Oregon Naturopathic Examiners placed Licensee on the same limits in an order dated February 4, 2000. He was not able to provide any treatment to minors in the Naturopathic Board order as well.

2.

In August 2011, the Board became aware that Licensee was serving as a chiropractor in a chiropractic office and was filling in for another doctor when he was absent. Licensee was the only chiropractor on staff. The time period at issue is from April 2010 through October 2010.

The Chiropractor who hired Licensee was not aware that Licensee had any limitations on his license and did not discover that Licensee was prevented from seeing minor patients until July, 2011. The Chiropractor and his staff provided evidence to the Board by way of appointment books, patient charts, patient billings and testimony to the Board that Licensee has seen at least six minors during this time period at this practice.

3.

Information revealed in the investigation which occurred in the last 30 days shows the following:

From April 2010 through October 2010, at least 4 different times Licensee saw Patient 1, age 13.

From July 2010 through September 2010, at least 2 times Licensee saw Patient 2, age 15.

From April 2010 through July 2010, at least 2 times Licensee saw Patient 3, age 12.

From July 2010 through August 2010 at least 2 times, Licensee saw Patient 4, age 17.

On May 19, 2010, and June 16, 2010 at least two times, Licensee saw Patient 5, age 17.

On June 16, 2010, at least one time, Licensee saw Patient 6, age 9.

The Board is continuing to investigate how many minors Licensee saw during this time period and believes there will be additional minors to add to this proceeding.

4.

In a recent Board interview, Licensee denied that he saw any minor patients while working in this chiropractic office. Licensee indicated he did not tell the chiropractor or the staff he had any license limitations as he wanted to keep employment. Licensee was asked if he checked the dates of birth of the patients and he said "I didn't because I wanted to maintain my position at the clinic."

5.

The Board finds that Licensee's conduct as described herein constitutes a violation of his permanent restriction and is unprofessional conduct. The Board finds that Licensee is in blatant violation of his previous order and saw at least 6 minor patients while practicing chiropractic in 2010 and that this practice constitutes grounds for an emergency license suspension. At their October 5, 2011 meeting, the Board determined that there was serious risk of further public harm if Licensee were allowed to continue to treat patients, especially minors. This is a clear and present danger to the health or safety of Oregon patients and the public and if he is allowed to continue practicing before a hearing may be held, may create further risk to the public. Licensee's conduct, as described above, in regards to Patients 1 through 6 above constitutes

violations of ORS 684.100 (1)(f)(A) and (q); and OAR 811-035-0015(23). 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).

6.

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

7.

Licensee's license is suspended effective October 7, 2011 and Licensee is not permitted to practice chiropractic in the State of Oregon pending the outcome of further disciplinary action.

8.

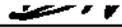
Licensee has the right, if Licensee requests, to have a formal contested case hearing pursuant to ORS 183.430(2) and OAR 137-003-0560 as soon as practicable to contest this Emergency Suspension Order. Licensee has a right to demand that a hearing be held as soon as practicable to contest the emergency 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.

IT IS SO ORDERED October 7, 2011

BOARD OF CHIROPRACTIC EXAMINERS
State of Oregon

Original signatures on file at OBCE office

By:



Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

Certificate of Service

I, Dave McTeague, certify that on October 7, 2011, I served the foregoing Notice of Proposed Disciplinary Action upon the party hereto by mailing, postage prepaid, a true, exact and full copy thereof to:

By regular mail to:

Bryan Scott, DC (telephone notification made by Dave McTeague)
2787 Sunset Ave
West Linn. OR 97068

Ronald Guerra AAL (telephone notification made by AAG)
Jordan Ramis
2 Centerpoint Drive, 6th Floor
Lake Oswego, Oregon 97035

By email to:
Ron.guerra@jordanramis.com
dochjscott@comcast.net

Original signatures on file at OBCE office

Dave McTeague
Executive Director
Oregon Board of Chiropractic Examiners