

BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON

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In the Matter of the License of)
RICHARD T. BENSON, D.C.) STIPULATION AND ORDER

1.

Richard T. Benson (Benson) is a licensed chiropractic physician subject to the jurisdiction of the Oregon Board of Chiropractic Examiners (Board), which is the state agency responsible for licensing and regulating chiropractic in Oregon. The Board filed a Notice of Sanctions dated December 2, 1991, concerning certain conduct of Benson involving advertising and disclosure to the Board made by Benson with respect to devices purportedly used by him in his practice.

2.

Benson and the Board agree to enter into the following stipulations for the purpose of concluding the contested case proceeding initiated by the Board's Notice of Sanctions.

a. Benson stipulates that he disseminated brochures to patients and potential patients between 1986 and 1990 which stated that he used the Toftness Radiation Detector on every visit.

b. In 1984, and again in 1991, the Oregon Board of Chiropractic Examiners advised its licensees that the Toftness Radiation Detector and similar devices were banned by the United States District Court in a case brought by the Food and Drug Agency and that Oregon licensees should not use such devices.

c. Benson had not used the Toftness Radiation Detector since

1 - ANSWER AND AFFIRMATIVE DEFENSES

BROTHERS, DREW & STEELHAMMER
P.O. BOX 871
BEND, OREGON 97709
(503) 362-5885

1 approximately 1984 when he returned it to the Toftness company
2 under the terms of the injunction entered in the United States
3 District Court case.

4 d. Benson and the Board stipulate that, by disseminating the
5 above-described brochures, he used advertising in which nontruthful
6 and misleading statements were made, in violation of ORS
7 684.100(1)(L).

8 e. Benson agrees not to contradict the terms of this
9 Stipulation in any public or private statements.

10 3.

11 In consequence of the stipulations entered into herein, the
12 Board and Benson agree that the following sanctions may be entered
13 against Benson by the Board:

- 14 a. Assessment of a civil penalty in the amount of \$2,500 to
15 be paid within 10 days of the signing of this
16 Stipulation.
- 17 b. Benson must destroy any of the above-described brochures
18 which may still be in his possession or which may come
19 into his possession in the future.

20 4.

21 The charge of lying to the Oregon Board of Chiropractic
22 Examiners, violation of ORS 684.100(1)(g) enumerated in the Notice
23 of Sanctions is hereby dismissed.

24 IT IS SO STIPULATED:

25 Richard Original signatures on file [Signature]
26 at the OBCE office.

4-8-92
Date

IT IS SO STIPULATED AND ORDERED:

Original signatures on file
at the OBCE office.

6-17-92
Date