

BEFORE THE CHIROPRACTIC

OCT 20 1998

PHYSICIANS' BOARD OF NEVADA

RECEIVED  
RENO, NEVADA 89502

1 In the Matter of )  
2 ROY WAYNE HANSEN, D.C. )  
3 Respondent. )  
4 )  
5 )  
6 )

FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER

*Filed 9:15 am  
Cindy Wade*

7 A hearing was held on the above matter by the Chiropractic Physicians' Board of Nevada (Board)  
8 on July 25 and 26, 1998, in the Kietzke Plaza Conference Room at 4600 Kietzke Lane, Reno, Nevada.

9 The hearing was conducted in compliance with the provisions of chapters 233B and 634 of the  
10 Nevada Revised Statutes (NRS) and chapter 634 of the Nevada Administrative Code.

11 President Jeffrey D. Andrews, D.C., Vice President Jo Briggs, D.C., Secretary Bill J. Bailey, D.C.,  
12 Board Member David R. Cohen, D.C., Board Member David G. Rovetti, D.C., and Board Member John  
13 Lukens, Esq., heard the case, with Mr. Lukens serving as presiding officer and adviser to the Board in  
14 matters of procedure and order.

15 Deputy Attorneys General Ronda L. Moore and Nancy L. Wenzel presented the State's case to the  
16 Board and called the following witnesses:

- 17 Detective Harold "Sonny" Marshall
- 18 Keith Wells, D.C.
- 19 Ms. Dixie Nichols
- 20 Ms. Jackie Boyson
- 21 John Scherschel, D.C.
- 22 Ms. Dawni Kennedy
- 23 Mr. Bruce Kennedy.

24 Dr. Hansen appeared and was present throughout the entire hearing, but refused to make any  
25 statement or ask any questions. Although not stated on the record, Dr. Hansen appeared to take the  
26 position that the Board had no jurisdiction over either him or his activities. Dr. Hansen apparently based  
27 his claim of lack of jurisdiction on Board counsel's failure to adequately respond to his "Demand for Bill  
28 of Particulars" and his subsequent service on Board counsel of a "Notice of Fault." Dr. Hansen had,

1 however, applied for and received the issuance of subpoenas from the Board. Thus, he had not only  
2 submitted to the jurisdiction of the Board on a previous occasion, but had actually sought the assistance of  
3 the Board in preparing for any defense he may have had to these charges.

4 Continually and repeatedly throughout the hearing, Dr. Hansen was advised of his procedural  
5 rights and asked if he understood them at the relevant times. At each and every juncture of the  
6 proceedings, Dr. Hansen was given the opportunity to invoke the exclusionary rule, to call and examine  
7 witnesses, to introduce exhibits, to object to State's proposed exhibits, to cross-examine the State's  
8 witnesses, and to respond to and rebut the evidence against him.

9 Dr. Hansen was advised of his rights at each and every juncture of the proceedings and given the  
10 opportunity to actively participate. In each and every instance, Dr. Hansen responded with a single  
11 question, asking the Board if they understood that he was (for some unstated reason) not able to  
12 participate.

13 Several of Dr. Hansen's friends, patients, and supporters attended the hearing. Many of them  
14 traveled substantial distances to attend the hearing. They asked permission to testify on behalf of Dr.  
15 Hansen.

16 They asserted an interest in the proceedings based on their rights to choose their health care  
17 provider and methods of health care, including access to alternative and spiritual modes of healing and  
18 wellness. Based upon the Nevada Supreme Court's holding in cases governing public hearings that  
19 participation by those affected by agency action should be granted in a liberal manner, the Board permitted  
20 the following individuals to present testimony and argument on Dr. Hansen's behalf:

21 Ann McCracken

22 Lenore Hansen

23 Laurilee Munson

24 Terrilee Johnson

25 Frank Benvenuto

26 Lisa Widner

27 Gil States

28 Halen McCracken

1 Virginia Price  
2 Wilma F. Holloway  
3 Nancy Munger  
4 Inis Westly

5 Having duly considered the evidence introduced by the parties, both oral and documentary, and  
6 having fully considered the law and being fully advised herein, the Board does hereby make the following  
7 Findings of Fact, Conclusions of Law, and enters the following Order.

8 **FINDINGS OF FACT**

9 1. Roy Wayne Hansen is a chiropractor licensed as a chiropractic physician in the State of  
10 Nevada. His license number is B-257.

11 2. Roy Wayne Hansen did, in fact, engage in the active practice of chiropractic medicine in  
12 the communities of Elko and Spring Creek in the County of Elko, State of Nevada. All of the acts that  
13 took place as set forth below took place within the State of Nevada.

14 3. In December of 1993, Dr. Hansen had a doctor-patient relationship with infant Amber P.,  
15 despite the fact that he did not charge for the treatment and advice he provided to Amber and her mother.

16 4. Over the course of approximately one week and on three occasions, Dr. Hansen provided  
17 chiropractic treatment in his office to infant Amber P., who presented with upper respiratory, cold-like  
18 symptoms. When Amber's mother brought Amber to Dr. Hansen's office for treatment the third time,  
19 Amber was cyanotic, pale, weak and gasping for breath. Dr. Hansen directed Amber's mother to take her  
20 to the emergency room of the local hospital. Soon after arriving at the hospital, Amber's condition  
21 became critical and she died shortly thereafter. The cause of death was, according to the autopsy,  
22 bronchopneumonia.

23 5. Dr. Hansen did not generate or maintain any clinical records of his treatment of Amber P.  
24 As such, there was no documentation or indication that he had obtained Amber's medical history, taken  
25 her vital signs, reached an opinion or diagnosis, or settled on a treatment plan. Similarly, there is no  
26 clinical record of Amber's condition or the treatments Dr. Hansen administered to Amber, except for a  
27 receipt for the various herbal remedies Amber's mother purchased on Amber's first and second visits.

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1           6.     Dr. Hansen represented to the public that he had a treatment procedure that could cure  
2 cancer. The treatment was a water bath, similar to a whirlpool bath, in which, according to Dr. Hansen,  
3 ozone was circulated through the water. Without reservation, Dr. Hansen made affirmative statements to  
4 patients, prospective patients and others that taking these baths could and would cure specific patients of  
5 their cancer. Dr. Hansen did not inform any of his patients or prospective patients of any other available  
6 option for treatment of cancer. He did not present his bath treatment as one option among many available,  
7 and did not adequately discuss the potential risks and benefits of available cancer treatments or the  
8 consequences of foregoing them. Rather, Dr. Hansen actively disparaged conventional medical treatments  
9 for cancer and discouraged patients from seeking other medical care. Dr. Hansen told people that his bath  
10 treatments were more effective at curing cancer if the patient did not also obtain chemotherapy treatment.  
11 Further, he made affirmative statements to patients and prospective patients with the sole purpose and  
12 intention of dissuading the patient or prospective patient from seeking any other type of treatment.

13           7.     Dr. Hansen represented that depending on the type and stage of the cancer, the cure could  
14 be accomplished with a course of baths, as little as twelve baths or as many as forty, with the duration of  
15 each bath being from approximately twenty to approximately forty minutes. Dr. Hansen also  
16 recommended a nutritional and herbal regimen in conjunction with the baths, representing that adherence  
17 to his dietary recommendations would lessen the number of baths needed to cure the cancer. Dr. Hansen  
18 represented to patients, prospective patients and others that several individuals who had taken his baths  
19 had in fact been cured of their cancer.

20           8.     The fees Dr. Hansen charged for his bath treatment for cancer consisted of a \$2,000 initial  
21 fee, with an additional fee of \$130 per bath. As Dr. Hansen explained his fees to patients and prospective  
22 patients, he consistently emphasized the high costs of conventional cancer treatment and presented his  
23 treatment as the more economic alternative, which cost a mere fraction of what is charged for conventiona  
24 cancer treatments.

25           9.     Dr. Hansen accepted a check for \$130 from Dawni Kennedy as payment for the bath  
26 received by her husband, Bruce Kennedy. While in the office of his chiropractic practice in downtown  
27 Elko, Dr. Hansen directed Dawni Kennedy to write the check for the bath treatment to the "Mother Earth

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1 Harmony Church.” He told her that she could then “write off” the payment for the bath treatment as a tax-  
2 deductible charitable donation to a church.

3 10. Dr. Hansen kept his bath in a trailer in a recreational vehicle-trailer park called the Double  
4 Dice. Dr. Hansen told people that his cancer treatment bath was not approved by the FDA and that he kept  
5 his bath in the trailer so that he could move it to a different location quickly in order to conceal the baths  
6 from the authorities. Dr. Hansen told people that he put signage on his trailer indicating it was a church in  
7 order to conceal the baths from the authorities. Dr. Hansen explained to patients and prospective patients  
8 that he adhered to a higher law, as opposed to the law passed by the state and federal legislatures,  
9 characterizing such law as merely “man’s” law.

10 11. Dr. Hansen told Dixie Nichols and Jackie Boyson that he could cure Dixie Nichols’ elderly  
11 and frail father of terminal bladder cancer by means of his bath treatments. After Boyson told Dr. Hansen  
12 that her child had leukemia, Dr. Hansen discouraged Boyson from seeking traditional medical treatment  
13 for her daughter and recommended his bath treatments instead in the event that her daughter’s leukemia  
14 came out of remission.

15 12. As part of an undercover investigation, Bruce and Dawni Kennedy, posing as prospective  
16 patients, told Dr. Hansen that Bruce had recently been diagnosed with prostate cancer. In fact, Kennedy  
17 had not received any such diagnosis.

18 Dr. Hansen told the Kennedys that he could cure Bruce Kennedy of prostate cancer by means of  
19 his bath treatments. Dr. Hansen had Kennedy take one of his cancer bath treatments but did not verify  
20 prior to the treatment being administered that Kennedy actually had cancer, nor did he review any  
21 laboratory results that Kennedy told Dr. Hansen had been performed.

22 Dr. Hansen relied instead on Kennedy’s self-report as to the diagnosis of cancer. He performed  
23 only a “muscle” test, a saliva pH test, and determined his blood pressure and weight prior to the bath.  
24 After Kennedy was in the bath, Dr. Hansen told the Kennedys that during prayer he could visualize  
25 Kennedy’s prostate cancer as a dark area in his abdomen. Dr. Hansen also told the Kennedys that they  
26 would know the baths were working to kill Kennedy’s cancer because his skin would turn red and have a  
27 burned appearance as internal parasites and cancer by-products exited through the surface of his skin. (A  
28 side effect of ozone baths is a reddened, burned appearance due to its irritating effects on the skin.)

1 13. Ozone therapy, administered topically through the bath method used by Dr. Hansen, is  
2 ineffective for treatment of cancer of the internal organs, such as bladder cancer, prostate cancer, breast  
3 cancer or leukemia, types of cancer which Dr. Hansen represented could be cured by his bath treatments.  
4 A delay in seeking treatment for cancer can and does significantly increase the mortality of the disease. A  
5 patient who therefore is treated with "ozone" baths is substantially more likely to die of the cancer than  
6 one who seeks more conventional treatment.

7 14. The FDA has not approved the practice of ozone therapy for the treatment of cancer in the  
8 United States. No credible medical authority has given its approval of the use of "ozone" baths in the  
9 treatment of cancer. Even in Europe and other countries where ozone therapy is occasionally used, cancer  
10 ailments of the prostate, bone marrow and bladder are not treated by the topical application of ozone.

11 15. Dr. Hansen's patients and supporters who testified on his behalf believed Dr. Hansen to be  
12 a gifted and skilled physician whose advice and care has helped them through medical and other personal  
13 crises when conventional medical practitioners had been unsuccessful, uncaring or unavailable.  
14 According to them, Dr. Hansen consistently made himself available to help those in need at any time of  
15 the day or night, not only at his chiropractic office but at his own home or those of his patients, regardless  
16 of their financial ability. Dr. Hansen provided much more than chiropractic treatment and was a primary  
17 care physician in the holistic tradition, ministering not only to his friends' and patients' physical needs but  
18 also apparently providing spiritual guidance to some, nutritional instruction, natural health care advice,  
19 alternative approaches to wellness, attending births and providing family counseling.

20 16. Dr. Hansen also presented himself as a spiritual and religious leader to many of those who  
21 testified in his behalf. A number of Dr. Hansen's supporters expressed the opinion that Dr. Hansen was  
22 touched by God and that God worked his divine will and healing power directly through Dr. Hansen. A  
23 number of the witnesses reported healing procedures performed by Dr. Hansen which appeared  
24 astonishing to observers, including those in the conventional medical community, even approaching the  
25 miraculous.

26 17. Dr. Hansen's supporters believed that Dr. Hansen could cure cancer by means of his bath  
27 treatments and an unknown substance called Compound X. Several reported that they had been healed of

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1 cancer by Dr. Hansen and his treatments. There was not, however, a single documented cure presented to  
2 the Board.

3 18. Dr. Hansen's supporters expressed absolute trust in Dr. Hansen. They believed that he was  
4 the only physician in the area who was qualified to meet their health care needs, and they accepted his  
5 diagnoses and recommendations *without question or seeking other professional opinions*.

6 Dr. Hansen's supporters preferred alternative and natural means of health care over those of  
7 conventional medicine. A number expressed distrust of and disgust with conventional medical practice  
8 and the quality of physicians and health care that were available in their community, citing examples of  
9 substandard practice that they or others known to them had experienced.

#### 10 CONCLUSIONS OF LAW

11 1. The Board has jurisdiction over this matter because at all times relevant to the Complaint,  
12 Dr. Hansen was a chiropractor licensed by the Board.

13 2. NRS 634.140(1) provides that the Board may initiate disciplinary action for unprofessional  
14 conduct by a chiropractor. If the Board finds that a chiropractor is guilty as charged, it may impose  
15 discipline as authorized in NRS 634.190(2).

16 3. Dr. Hansen had a doctor-patient relationship with infant Amber P, and as such, he was  
17 obligated to treat Amber in accordance with the community standard of care, duty and skill in the practice  
18 of chiropractic and in compliance with the laws and regulations applying to the practice of chiropractic.

19 4. In Count One of the Complaint, Dr. Hansen is charged with repeated failures to exercise  
20 the community standard of care, diligence and skill in the practice of chiropractic, and/or unprofessional  
21 conduct that is detrimental to the best interests of the public, with respect to the examination, diagnosis,  
22 care and treatment of infant Amber P. The Board finds that the State did not present substantial evidence  
23 that Dr. Hansen fell below the community standard of care in the practice of chiropractic with respect to  
24 examination, diagnosis, care and treatment of Amber P.

25 5. In Count Two of the Complaint, Dr. Hansen is charged with conduct falling below the  
26 standard of care in chiropractic record keeping, which constitutes unprofessional conduct, for willfully  
27 disobeying, violating or attempting to violate the laws or regulations set forth in NRS 634, NAC 634 and  
28 NRS 629. The Board finds that there is substantial evidence that Dr. Hansen failed to generate and

1 maintain records of his examination, diagnosis, care and treatment of Amber. In that respect, Dr. Hanser  
2 fell below the community standard of care in chiropractic and engaged in unprofessional conduct  
3 detrimental to the best interests of the public, which are grounds for discipline per NRS 634.140(1) and  
4 (4).

5 6. In Count Three, Dr. Hansen is charged with repeated failures to exercise the community  
6 standard of care, diligence and skill in the practice of chiropractic, and/or unprofessional conduct that is  
7 detrimental to the best interests of the public or conduct unbecoming of a person licensed to practice  
8 chiropractic, with respect to offering treatment he represented would cure cancer. The Board finds that  
9 there is substantial evidence that Dr. Hansen offered treatment he represented could cure cancer. In doing  
10 so, Dr. Hansen fell below the community standard of care in chiropractic and engaged in unprofessional  
11 conduct detrimental to the best interests of the public, which are grounds for discipline per NRS  
12 634.140(1) and (4).

13 7. In Count Four, Dr. Hansen is charged with unprofessional conduct with respect to his  
14 cancer treatment, in that it is an attempt to obtain a fee on assurance that a manifestly incurable disease can  
15 be permanently cured. The Board finds that there is substantial evidence that Dr. Hansen attempted to  
16 obtain a fee on the basis that his bath treatments could cure Ms. Nichols' father's terminal bladder cancer.  
17 In doing so, Dr. Hansen engaged in unprofessional conduct, which is grounds for discipline per NRS  
18 634.140(1).

19 8. In Count Five, Dr. Hansen is charged with unprofessional conduct with respect to his  
20 cancer treatment, in that it involved representations to the public consisting of grossly improbably  
21 statements, representations that will tend to deceive, defraud or mislead the public, and representations that  
22 are professionally self-laudatory and calculated to attract lay patients. The Board finds that there is  
23 substantial evidence that Dr. Hansen made representations concerning cancer and his bath treatments for  
24 cancer that were grossly improbable, that would tend to deceive, defraud or mislead the public and that  
25 were calculated to attract lay patients. In doing so, Dr. Hansen engaged in unprofessional conduct, which  
26 is grounds for discipline per NRS 634.140(1).

27 9. In Count Six, Dr. Hansen is charged with unprofessional conduct with respect to his cancer  
28 treatment, in that it involved false or misleading communications about a chiropractor's services,



1 communications that contain material misrepresentations of fact or law, that omit a fact necessary to make  
2 the statement not misleading, or that are likely to create an unjustified expectation about the results that  
3 can be achieved. The Board finds that there is substantial evidence that Dr. Hansen made false or  
4 misleading communications that were likely to create an unjustified expectation about the results that  
5 could be achieved by his treatment for cancer. In doing so, Dr. Hansen engaged in unprofessional  
6 conduct, which is grounds for discipline per NRS 634.140(1).

7 **ORDER**

8 Based on the foregoing, the Board hereby orders as discipline in this matter the following:

- 9 1. Count One is hereby dismissed.
- 10 2. The sanction imposed on Count Two is a fine of \$500. Said fine is suspended on the  
11 condition that Dr. Hansen attend a record-keeping seminar in addition to the continuing education required  
12 for renewal, and submit to monitoring of his record-keeping practices for a period of one year.<sup>1</sup>
- 13 3. The sanction imposed on Count Three is that Dr. Hansen's license to practice chiropractic  
14 is revoked in accordance with the authority set forth at NRS 634.190(2)(e).
- 15 4. The sanction imposed on Count Four is that Dr. Hansen's license to practice chiropractic is  
16 revoked in accordance with the authority set forth at NRS 634.190(2)(e).
- 17 5. The sanction imposed on Count Five is that Dr. Hansen's license to practice chiropractic is  
18 revoked in accordance with the authority set forth at NRS 634.190(2)(e).
- 19 6. The sanction imposed on Count Six is that Dr. Hansen's license to practice chiropractic is  
20 revoked in accordance with the authority set forth at NRS 634.190(2)(e).
- 21 7. Dr. Hansen shall reimburse the Board for its actual costs incurred relating to this matter in  
22 accordance with the authority set forth at NRS 634.190(2)(g).

23 Signed and effective this 13<sup>th</sup> day of October, 1998.

24 **CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA**

25  
26 By: 

27 JOHN LUKENS, Presiding Officer

28 <sup>1</sup> Because of sanctions imposed on the remaining counts, the sanction on this count is rendered moot.