

**BEFORE THE BOARD OF CHIROPRACTIC EXAMINERS
STATE OF IOWA**

IN THE MATTER OF:)	
)	CASE NOS. 99-020 00-027, 04-008,
)	and 04-011
WARREN SHOEMAKER, D.C.,)	
License No. 022-04406)	
)	STATEMENT OF CHARGES
Respondent.)	
)	

TO THE ABOVE-NAMED RESPONDENT:

Pursuant to Iowa Code chapters 17A, 147, 151, and 272C (2005) the Iowa Board of Chiropractic Examiners (Board) has jurisdiction of this matter.

Licenses issued by the Board are subject to the laws of the State of Iowa and the administrative rules promulgated by the Board.

Respondent is licensed to practice chiropractic in the State of Iowa and holds license number 022-04406. Respondent's license expired on June 30, 2004, lapsed on July 31, 2004, and was reinstated on November 1, 2004. Respondent's license is currently on probation pursuant to a Combined Statement of Charges and Settlement Agreement and Final Order, filed September 26, 2001; and pursuant to the Findings of Fact, Conclusions of Law, Decision and Order filed July 25, 2000.

Respondent's current address as reported to the Board and recorded in records maintained by the Board is 670 North Morgan, Kahoka, MO 63445.

COUNT I

Respondent is charged with failure to comply with an order of the Board, in violation of Iowa Code section 272C.3(2)(a) (2003) and 645 Iowa Administrative Code

45.2(19).

COUNT II

Respondent is charged with willful or repeated violations of the Board's statutes and rules, in violation of Iowa Code sections 147.55(8), 151.9(8) and 272C.10(8) (2003), with practicing while his license was lapsed, in violation of 645 IAC 41.10(2), 645 IAC 45.2(12), and 645 IAC 45.2(25).

COUNT III

Respondent is charged with violating Iowa Code sections 151.9(3) and (8), 147.55(3) and (8), and 272C.10(3) and (8) (2003) and the Board's administrative rules at 645 IAC 45.2(3), and 45.2(28)(b) by engaging in unethical conduct, or in practice that is harmful or detrimental to the public.

CIRCUMSTANCES

1. On October 20, 1999, the Board filed a Statement of Charges against Respondent alleging that he violated numerous statutes and rules in his treatment of Patient No. 1 when he had inappropriate contact with her during her chiropractic treatment, and when he made several inappropriate statements to her of a sexual nature.

2. On July 25, 2000, the Board issued its Findings of Fact, Conclusions of Law, Decision and Order following hearing on those charges. The Board found it could not conclude by a preponderance of the evidence that Respondent had lewd or lascivious intentions which motivated his treatment of MH, but also concluded that in numerous regards, Respondent substantially deviated from the standard of care in treating Patient No. 1, and engaged in behavior that was unethical and harmful or

detrimental to the public. The Board placed Respondent's license on probation for three years; prohibited him from performing acupuncture, acupressure, applied kinesiology, or meridian therapy unless he obtained specified education and provided the Board documentation he had passed proficiency exams for the use of these procedures; to obtain a practice monitor to ensure compliance with this requirement; ordered him to complete a professional boundaries course; and required regular reporting to the Board.

3. On September 26, 2001, Respondent entered into a Combined Statement of Charges, Settlement Agreement, and Final Order, in which he was charged with violating numerous laws in his treatment of another patient when he inappropriately and/or without chiropractic necessity touched that patient, and made several statements to that patient which were of a sexual nature and were inappropriate and/or without chiropractic necessity. In that Order Respondent agreed to not contest the new charges, and to extend his existing probation by two years.

4. In his quarterly reports to the Board dated November 30, 2000; April 9, 2001; June 12, 2001; September 17, 2001; December 6, 2001; March 11, 2002; June 10, 2002; September 17, 2002; December 6, 2002; March 17, 2003; June 17, 2003; September 12, 2003; December 15, 2003; March 5, 2004; August 31, 2004; and January 4, 2005. Respondent advised the Board in those reports that he was no longer engaged in the practice of acupuncture, acupressure, applied kinesiology, or meridian therapy because he has not obtained the requisite education required in previous Board orders to practice in these areas.

5. Information provided to the Board indicates Respondent continues to perform applied kinesiology and/or meridian therapy in his practice of chiropractic.

6. Due to his failure to renew his license, Respondent's license to practice chiropractic expired on June 30, 2004, and lapsed on July 30, 2004.

7. On November 1, 2004, Respondent's license was reinstated.

8. Respondent practiced chiropractic from July 31, 2004, to November 1, 2004, without a current license.

9. Patient A saw Respondent for chiropractic treatment in 2003 and 2004. In May of 2004, Respondent inappropriately and/or without chiropractic necessity touched Patient No. 1, and made several statements to Patient No. 1 of a sexual nature which were inappropriate and/or without chiropractic necessity.

FINDING OF PROBABLE CAUSE

On February 24, 2004, the Iowa Board of Chiropractic Examiners found probable cause to file this Statement of Charges and to order a hearing set in this case.

Dated this 24th day of February, 2004.

This statement of charges is approved by the board on February 24, 2005.