

**STATE OF VERMONT
BOARD OF CHIROPRACTIC**

IN RE:)
CURTIS GROSS) Docket No. CH 03-1200
License No: 006-0000736)

STIPULATION AND CONSENT ORDER

The Respondent, Curtis Gross, and the State of Vermont, by its Attorney General, William H. Sorrell, stipulate to the statements of Board Authority, Facts and Understandings set forth below and agree to the entry of the following Consent Order by the Vermont State Board of Chiropractic as a final order in this matter.

Board Authority

1. The Vermont Board of Chiropractic has jurisdiction to approve consent orders regarding allegations of unprofessional conduct committed by Chiropractic Physicians pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. §§521, 527, 529, 541 and; the Board's and the Office of Professional Regulation's Rules.

Facts

2. Respondent Curtis Gross, is a Chiropractic Physician holding license number 006-0000736 issued by the State of Vermont. Respondent was originally licensed on January 20, 1984 and Respondent's license has a current expiration date of September 30, 2002.
3. At all times relevant, Respondent practiced at the Middlebury Chiropractic Office in Middlebury, Vermont.

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4. On or about October 3, 2000, the custodial parent of a minor patient contacted Respondent and inquired as to whether an appointment had been made for treatment for her minor son.
5. During the conversation, the custodial parent explained to the Respondent that:
 - a she was the custodial parent;
 - b she had full legal rights and responsibilities for the minor child;
 - c the non-custodial parent did not have the authority to consent to the treatment;
 - d that she did not want the Respondent to treat her son; and
 - e that the minor had been seeing a different chiropractor for this treatment.
6. Respondent told the custodial parent that there was no scheduled appointment and/or scheduled treatment for the minor.
7. On or about October 4, 2000, Respondent provided treatment to the minor when the ~~non-custodial parent~~ ^{CFD} ^{cy} ^{who stated he had equal rights in this decision} brought the minor to Respondent's office, and such treatment was without consent from the custodial parent, and contrary to her stated position.
8. The treatment provided was not emergency treatment and was not a major medical decision.
9. The above acts and/or omissions constitute unprofessional conduct pursuant to, and also violate: 3 V.S.A. §129a(a)(3) (failing to comply with provisions of federal or state statutes or rules governing the practice of the profession), and;

26 V.S.A. §541(b)(6) (Performing professional services which have not been authorized by the patient or his or her legal representative).

Consent Order

A. Based on the above stipulations, it is **ADJUDGED** as follows:

(1) The "Facts" listed above are true; and

(2) The Respondent has engaged in unprofessional conduct in that the Respondent has:

(a) Performed professional services which have not been authorized by the patient or his or her legal representative, which is a basis on which the Board can impose disciplinary action. 26 V.S.A. §541(b)(6); and

(b) Failed to comply with provisions of federal or state statutes or rules governing the practice of the profession, which is a basis on which the Board can impose disciplinary action. 3 V.S.A. §129a(a)(3).

B. Based on the above stipulation and on the above Findings and Conclusions of this Board, it is **ORDERED** follows:

a. The Respondent and/or Respondent's license is hereby issued a

WARNING.

C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

D. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used in determining sanctions in future disciplinary matters.

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AGREED TO:

BY: CURTIS GROSS
RESPONDENT

Date: 5/17/01

Curtis Gross
Curtis Gross

AND BY: STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

Date: 5/23/01

George C. Haegle IV
George C. Haegle IV
Assistant Attorney General

ACCEPTED AND SO ORDERED:

BOARD OF CHIROPRACTIC

Date: 8/7/2001

Dennis Natale, DC
Chairperson

Dated entered: 8-8-01

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