

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: AARON BRADBY WINSTON, D.C.
License Number: 0104-002056
Case Numbers: 196424, 223654

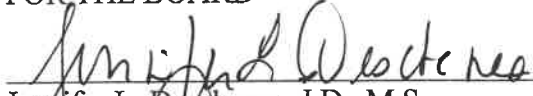
ORDER OF SUMMARY SUSPENSION

Pursuant to Virginia Code § 54.1-2408.1(A), a quorum of the Board of Medicine (“Board”) met by telephone conference call on March 30, 2023, after a good faith effort to convene a regular meeting of the Board had failed. The purpose of the meeting was to receive and act upon information indicating that Aaron Bradby Winston, D.C., may have violated certain laws and/or regulations relating to the practice of chiropractic in the Commonwealth of Virginia, as more fully set forth in the “Notice of Formal Administrative Hearing and Statement of Allegations,” which is attached hereto and incorporated by reference herein.

WHEREUPON, pursuant to its authority under Virginia Code § 54.1-2408.1(A), the Board concludes that a substantial danger to public health or safety warrants this action and ORDERS that the license of Aaron Bradby Winston, D.C., to practice chiropractic in the Commonwealth of Virginia is SUSPENDED. It is further ORDERED that a hearing be convened within a reasonable time of the date of entry of this Order to receive and act upon evidence in this matter.

Pursuant to Virginia Code § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection or copying on request.

FOR THE BOARD



Jennifer L. Deschenes, J.D., M.S.
Deputy Executive Director
Virginia Board of Medicine

ENTERED AND MAILED ON: March 30, 2023

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Aaron Bradby Winston, D.C., was licensed to practice chiropractic in the Commonwealth of Virginia.

2. Dr. Winston violated Virginia Code § 54.1-2915(A)(3), (12), (13), (16), (18), and (19), and 18 VAC 85-20-100(A) and (B) and 18 VAC 85-20-27(A) of the Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry and Chiropractic (“Board’s Regulations”), in his care and treatment of Patient A, a 24-year-old female, from July 2019 through July 25, 2022. Specifically, under the guise of legitimate chiropractic care, Dr. Winston engaged in sexual contact or sexual conduct, and unprofessional and inappropriate interactions and conduct that a reasonable patient would consider lewd and offensive. Specifically:

a. By his own admission, Dr. Winston knew Patient A and her family through work with Patient A’s father and through the chiropractic care he provided to Patient A’s parents and younger sister. Regarding Dr. Winston, Patient A stated to the Department of Health Professions’ Senior Investigator (“Investigator”) that, “I always felt like he took a special interest in me, he told me I was his favorite [Patient A’s surname] kid.”

b. Patient A began chiropractic treatment with Dr. Winston in approximately July 2019 for chronic back pain at her father’s recommendation. Patient A’s parents accompanied her to office visits until she obtained a driver’s license and began attending appointments alone. Her appointments were generally the last appointment of the day and lasted an hour so that she and Dr. Winston could “chat after her treatment.” Regarding her conversations with Dr. Winston, Patient A told the Investigator the following:

- Over time, Patient A began to trust Dr. Winston and “felt like she could share things with him,” and began regularly sharing details about her sexuality and people she dated. Dr. Winston encouraged and pushed her to share more details about her sexual activity, and once commented “You seem like a good time to be with.”
- After Patient A’s father died in May 2021, she and Dr. Winston began exchanging “consensual” hugs when she arrived for appointments. At two appointments Dr. Winston kissed her on the lips after a hug.
- Over the course of Patient A’s treatment, Dr. Winston began talking and acting in a “borderline sexual manner,” for example commenting on her height and legs, and once while she was on the treatment table Dr. Winston pressed against her so she could feel or notice his erection. Patient A did not comment on or otherwise acknowledge Dr. Winston’s actions and told the Investigator that although she felt uncomfortable because of Dr. Winston’s behavior, she felt too ashamed to tell anyone.

c. During treatment sessions, Dr. Winston failed to put appropriate limits on his conversations with Patient A and obtained personal information about her that was clearly outside the boundaries of a routine chiropractor-patient relationship, including information about the patient’s sexual behavior. Specifically, while treating Patient A for chronic back pain, Dr. Winston was told by Patient A that she liked “bad boys” and “old guys,” and had an app on her phone that she used to have “illicit relationships.” By his own admission, Dr. Winston told Patient A that helping her with “all of those things were above his pay scale to help her with emotionally,” but that she could and should “do better.”

d. Patient A stated to the Investigator the following information regarding her July 25, 2022, office visit with Dr. Winston:

i. Dr. Winston began the appointment by telling Patient A that a former patient (“Patient B”) had sent him sexually explicit photos and messages through Facebook. Further, Dr. Winston showed Patient A the former patient’s Facebook photo and stated about Patient B that, “Big tits are great but that doesn’t constitute good breast, it’s all about the nipples.” Dr. Winston then told Patient A that he “assumed she had good ones,” and asked her specific questions about her bisexuality, including “what was she into” and “whether she would be into a threesome.”

ii. While Patient A was lying on the examination table, Dr. Winston stated, “Now that I am quasi hard.” Patient A asked him if he needed a minute; Dr. Winston replied, “that depends, do you have a minute.” Patient A did not respond.

iii. When Patient A was in the prone position, Dr. Winston said to her, “You must know how you effect men by the way you dress,” and then reached under her shorts and pinched her buttock. Dr. Winston went on to state, “You must not have a problem with this conversation, because you are not objecting to it.” Patient A told the Investigator that she felt very uncomfortable and “tried to act as normal as possible and not engage him too much.”

iv. Although Patient A stated that at previous visits, she was lying down for rib adjustments, on this visit Dr. Winston instructed her to sit up on the examination table with her back toward the front of the office and the reception area so that he could adjust her ribs with the activator tool. Dr. Winston positioned himself behind Patient A with his back also toward the front reception area, put his hand down the front of her t-shirt and “fondled” both of her breasts and nipples. After removing his hand, Dr. Winston commented about having been right in his above-mentioned assumption.

v. Patient A told the Investigator that when Dr. Winston fondled her breasts her brain “shut down” and she just sat there waiting for it to be over. Patient A left the appointment without speaking to the receptionist or making a follow-up appointment.

e. On July 27, 2022, Patient A told her mother about Dr. Winston’s behavior during the course of her treatment and specifically during the July 25th visit, and also reported the matter to the Henrico County Police Division. On this same day, Patient A visited her treating therapist and discussed the incident. Specifically, Patient A told her therapist that Dr. Winston was a family friend and “someone she believed she could trust,” spoke about the specific events during the July 25th visit, and her feeling of

“broken trust.” Patient A’s therapist stated that in October 2022, Patient A was admitted to a psychiatric facility for several days of treatment related to “the culmination of stressors in her life,” including the July 25, 2022, office visit with Dr. Winston.


3. Dr. Winston violated Virginia Code § 54.1-2915(A)(3), (12), (13), (16), (18), and (19) and 18 VAC 85-20-100(A) and (B) and 18 VAC 85-20-27(A) of the Board’s Regulations in his care and treatment of Patient C, a 61-year-old female, during a May 23, 2019¹ office visit, in that under the guise of legitimate chiropractic care he engaged in conduct of a sexual nature for the sexual arousal of the practitioner and conduct that a reasonable patient would consider lewd and offensive. Specifically, Patient C stated to the DHP Investigator that Dr. Winston told her that he would be working in her chest area with the activator tool to help with her rib pain and that he would be placing the tool in her rib area. Patient C stated that while sitting on the examination table in the open treatment area with her back facing the reception area, Dr. Winston stood behind her with his back to the reception area and without any warning reached into her bra and cupped and lifted each breast to place the activator tool directly on her skin. Patient C stated that Dr. Winston did not inform her that he would be touching her breasts during the treatment. Patient C stated that she did not “jump or respond,” but rather “just froze and was trying to process.”

4. Dr. Winston violated Virginia Code § 54.1-2915(A)(3), (16), and (18), and 18 VAC 85-20-27(A) of the Board’s Regulations, in that he violated patients’ privacy by discussing Patients B and C with third parties without the patients’ knowledge or consent, as set forth below:

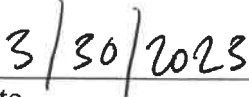
¹ In her complaint to the Department of Health Professions, Patient C stated the office visit occurred on May 30, 2019; her medical records indicate the office visit occurred on May 23, 2019.

a. By his own admission, Dr. Winston treated Patient B, a then 21-year-old female whom he described as “wild and sexually charged,” from approximately August 2017 through May 2018. On July 25, 2022, Dr. Winston discussed Patient B with Patient A, as set forth above in allegation 2.d.i.

b. By his own admission, on June 5, 2019, Dr. Winston discussed Patient C and the complaint she made to the Department of Health Professions with his wife’s friend.



Jennifer Deschenes, J.D., M.S.
Deputy Executive Director
Virginia Board of Medicine



Date