

Commonwealth of Kentucky  
Kentucky Board of Chiropractic Examiners  
P.O. Box 183  
Glasgow, KY 42142-0183

FEB 06 2015

Commonwealth of Kentucky,  
Board of Chiropractic Examiners

Complainant

**SETTLEMENT AGREEMENT**  
**KBCE Administrative Action No. 13-KBCE-0150**

James Hanlon  
(License No.3674-R)

Respondent

\* \* \* \* \*

**Whereas**, the Kentucky Board of Chiropractic Examiners ("Board") having been notified that James Hanlon, ("Respondent") has acted in violation of KRS Chapter 312, and;

**Whereas**, the parties mutually desire to settle the issues in an expeditious manner, without need for a formal hearing;

**It is hereby stipulated and agreed** between the undersigned parties this matter shall be settled and resolved upon the following terms:

**Findings**

The Respondent fully admits the following violations:

- 1) One (1) count of violation of KRS 312.150(2)(h).

**Voluntary Waiver of Rights**

The Respondent has had at all times the opportunity to seek the advice from competent counsel of choice and he has exercised that right. No coercion has been exerted upon the Respondent, nor have any promises been made other than those reflected in this Settlement Agreement. The Respondent has freely and voluntarily entered into this Settlement Agreement,

motivated only by a desire to resolve the issues addressed herein. The Respondent has executed this Settlement Agreement only after careful reading of it and a full understanding of all of its terms. The Respondent waives the right to challenge any agreed upon term or condition of this Settlement Agreement notwithstanding any other provision of KRS Chapter 312, and the Respondent expressly agrees those agreed upon terms and condition contained therein are exclusively a matter of right.

The Respondent is fully aware of the rights to contest charges in a formal hearing. These rights include: representation by an attorney at the Respondent's own expense, the right to a public hearing on any charges contained in the Notice of Administrative Hearing and Order, the right to confront and cross-examine witnesses called to testify against the Respondent, the right to present evidence on the Respondent's behalf, the right to compulsory process to secure the attendance of such witnesses, the right to testify on the Respondent's own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the Formal Complaint, the right to obtain judicial review of the Board's decision, and the right to appeal any final order of the Board to the Franklin Circuit Court as otherwise allowed by KRS 312.160(1). All of these rights are being voluntarily waived by the Respondent in exchange for the Board's acceptance of this Settlement Agreement.

#### **Jurisdiction**

**Whereas**, the Board has jurisdiction over this matter pursuant to KRS Chapter 312 and the related administrative regulations;

#### ***Publication of Settlement Agreement***

The Respondent acknowledges that, once adopted by the Board, this Agreed Order may be considered a public document, available for inspection at

any time by any member of the public under the Kentucky Open Records Act, and may be reportable under federal law. This Agreed Order may at any time be published on the Board's website, [www.kbce.ky.gov](http://www.kbce.ky.gov).

### **Effect Upon Licensure Status**

#### **Suspension, Fine, Evaluation, Probation, Restrictions, Testing and Education**

The parties agree to the following as the agreed upon disciplinary action:

- 1) **Suspension:** The Respondent shall be suspended from the practice of chiropractic for a period of thirty (30) days. This suspension shall begin effective February 1, 2015.
- 2) **Fine:** The Respondent shall pay to the "Kentucky Board of Chiropractic Examiners" the amount of \$3,000 as a fine. The Board recognizes that \$1,500 of this fine has previously been submitted and therefore the balance of \$1,500 is now due. The fine shall be paid by a certified check, cashier's check, or money order with submission of this executed Settlement Agreement, made payable to the "Kentucky Board of Chiropractic Examiners," and with the Respondent's name and license number written on the payment.
- 3) **Evaluation:** The Respondent shall undergo a psychological evaluation by a licensed psychologist certified by the Commonwealth to provide sex offender treatment and approved by this Board. This psychologist shall be provided with investigative reports prepared by the Board's investigator and this Settlement Agreement prior to evaluation. The Respondent shall receive the Board's approval upon identifying an approved psychologist. Upon completion of the evaluation, the psychologist shall cause the Board to receive a report wherein he or she concludes and make a recommendation as to whether the Respondent should be allowed to continue to practice as a health care professional. The Respondent agrees that he shall be bound by that recommendation. IN the event that the psychologist recommends that the Respondent should not be allowed to practice chiropractic, the Respondent shall immediately cease the practice of chiropractic and his license shall be revoked; and
- 4) **Permanent Restriction of Practice:** The Respondent shall forever cease the practice of adjusting the symphysis pubis and shall not be allowed to adjust the public articulation using the symphysis pubis as a contact nor will he be allowed to examine a female in the area of the lower abdominal or pelvic area in any proximity to the symphysis pubis or related structures; and
- 5) **Testing and Education:** Within six (6) months of the entry of this Settlement Agreement, as signified by the date of the Chairman's signature, Respondent shall successfully complete and achieve a passing score on the Ethics and Boundaries examination of the National Board of Chiropractic Examiners, with proof submitted to the Board. The referenced proof shall be received by the Board within that six (6) month period.

The Respondent expressly understands failure to comply with and complete all terms of this Settlement Agreement constitutes misconduct and acknowledges that such misconduct constitutes a violation of KRS 312.


### Duty to Cooperate with the Board

The Respondent agrees to permit and cooperate with the Board, its members, agents and employees, to monitor the Respondent's compliance with the terms and conditions of this Settlement Agreement.

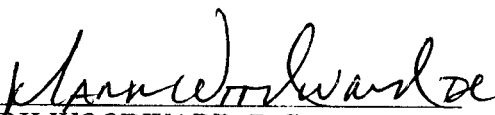
### Complete Agreement

This Agreed Order consists of four (4) pages and embodies the entire agreement between the Kentucky Board of Chiropractic Examiners and ~~Donald R. Miller~~, D.C.. <sup>JAMES HANLON</sup> It may not be altered, amended or modified without the express written consent of both parties.

**Have Seen, Understood and Approved:**

  
James Hanlon, D.C.  
License #3674-R  
Respondent

1-20-2015  
Date

  
MARK WOODWARD, D.C.  
President  
Kentucky Board of Chiropractic  
Examiners

02-02-15  
Date