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Kentucky Board of
Chiropractic Examiners

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS

PD # 500 -
CHIC # 1564

PD # 500 -
CHIC # 1572

5/18 PD # 500 -
CHIC # 1585

7-23 PD # 500 -
CHIC # 1604

**IN RE: CHIROPRACTIC LICENSE # 5298
HELD BY Justin Keith Pearce, D.C.
ADMINISTRATIVE CASE #17-023A**

Justin Keith Pearce, D.C.
3650 Boston Rd. Ste. 188
Lexington, KY 40517

AGREED ORDER

Parties

WHEREAS, the parties to the Agreed Order herein are the Kentucky Board of Chiropractic Examiners, hereinafter referred to as the "Board," and Justin Keith Pearce D.C., hereinafter referred to as the "Respondent";

Jurisdiction

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

History

WHEREAS, the Respondent is the registered owner of Millpond Family Chiropractic; and

WHEREAS, The Respondent's facility "Millpond Family Chiropractic", by and through agents and or employees, violated several sections of KRS 312, and associated Administrative Regulations including;

- 1.) KRS 312.145(3) and 201 KAR 21.065(6) Failure to have proper signage at the facility with compliant naming convention.

- 2.) KRS 312.150 (1)(d)(g) Utilizing advertising that does not specifically state "chiropractic."
- 3.) 201 KAR 21.100(2)(c)(d) Inadequate record keeping, as the Dr. had several pages in patient "D.F.'s" records that lacked Dr.'s signature.
- 4.) KRS 312.150(2)(c)(d) Entering into a contract for services not yet rendered, when Dr. charged Care Credit for services that had not yet been performed in the case of patient "D.F.."

WHEREAS, the parties mutually desire to settle the issue in an expeditious manner, without the need for a formal hearing.

Terms of Agreement

THEREFORE, it is hereby agreed between the undersigned parties that this matter shall be settled and resolved upon the following terms:

- 1) The Respondent shall carefully review the Agreed Order herein and enters into this Agreed Order knowingly, willingly and voluntarily and after having reviewed the due process rights afforded to the Respondent under KRS Chapter 312 and the accompanying regulations;
- 2) The Respondent, Justin Keith Pearce, D.C., accepts the reprimand of the Board for the above-stated violations. The Respondent agrees to act more diligently in the future to insure that all advertising issued by the Respondent, or on the Respondent's behalf, complies with KRS Chapter 312 and the accompanying administrative regulations;
- 3) The Respondent, Justin Keith Pearce, D.C., shall pay a fine to the

Board in the amount of ^{two} ~~three~~ thousand dollars ^{tas} (~~\$3,000.00~~). Said fine shall be ^{\$2,000} ~~made~~ made payable to the "Kentucky Board of Chiropractic Examiners." ^{tas} in four (4) equal installments

4) The original, executed Agreed Order and fine must be received in ^{of five} the office of the Board, *postmarked no later than March 16th, 2018.* ^{hundred dollars} (\$500), the

5) The Respondent acknowledges that he is ineligible for participation ^{first} in any chiropractic preceptorship program for two (2) years pursuant to 201 ^{installment} KAR 21:085, Section 2(7); and ^{to be paid}

6) The Respondent, Justin Keith Pearce, D.C., agrees that the failure ^{by no later} to comply with any of the terms and conditions of this Agreed Order may result ^{than} in the Board setting the matter for an administrative hearing in accord with ^{March} KRS Chapter 13B. ^{16, 2018} and then ^{monthly} thereafter ^{until} paid in ^{full.}

Voluntary Waiver of Rights

The Respondent, Justin Keith Pearce, D.C., has had the opportunity at ^{until} all times to seek advice from competent counsel of choice. No coercion has ^{paid in} been exerted upon the Respondent, nor have any promises been made other ^{full.} than those reflected in this Agreed Order. ^{tas}

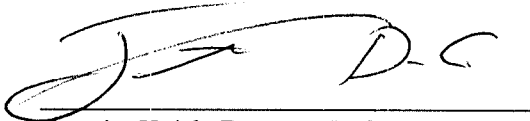
Publication of Settlement Agreement

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.

Complete Agreement

This Agreed Order consists of four (4) pages and embodies the entire agreement between the Kentucky Board of Chiropractic Examiners and Justin Keith Pearce, D.C.. It may not be altered, amended or modified without the express written consent of both parties.

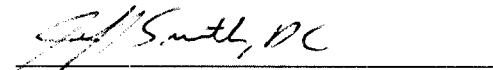
Have Seen, Understood and Approved:



Justin Keith Pearce, D.C.
License No. 5298
Respondent

3-12-18

Date



Jeffery T. Smith, D.C.
President
Kentucky Board of Chiropractic
Examiners

3/23/18

Date

Certificate of Service

I hereby certify that a true and correct copy of the foregoing **Agreed**
Order was mailed via U.S. mail, postage pre-paid to the following this 23rd
day of March, 2018:

Justin Keith Pearce, D.C.
3650 Boston Rd. Ste. 188
Lexington, KY 40517
Respondent

Hon. Tricia A. Shackelford
155 East Main St., Suite 101
Lexington, KY 40507
Counsel for Respondent

Hon. M. Keith Poynter
209 South Green St.
Glasgow, KY 42141
Board Counsel

And the original shall be maintained by the Board.



Karalee P. Oldenkamp, D.C.
Board Executive Director
Kentucky Board of Chiropractic Examiners