

**COMMONWEALTH OF KENTUCKY  
KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS**

**IN RE: CHIROPRACTIC LICENSE # 4590  
HELD BY SHAWN SIZEMORE, D.C.**

SHAWN SIZEMORE, D.C.



**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 Shawn Sizemore, 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**, on or about September 27, 2004 \_\_\_\_\_ wrote a letter of complaint to the Board regarding the billing practices of her chiropractor, Dr. Shawn Sizemore; and

**WHEREAS**, on or about June 24, 2005, the Board filed a Notice of Hearing and Administrative Complaint against the Respondent alleging improper billing procedures constituting fraudulent and unprofessional

conduct in violation of KRS 312.150(1)(b), (f), (g), and (2)(c) and (e). A copy of said Notice of Hearing and Administrative Complaint is attached hereto and incorporated herein; and

**WHEREAS**, the matter proceeded to mediation which resulted in a settlement agreement between the parties. Subsequently on or about January 10, 2006 an Agreed Order of settlement was entered; and

**WHEREAS**, it has come to the Board's attention that the terms and conditions of the Agreed Order entered on or about January 10, 2006 have not been complied with and thus the Respondent is in violation of the settlement agreement; and

**WHEREAS**, the parties mutually desire to settle the issues 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 has carefully reviewed the Agreed Order herein and enters into this Agreed Order knowingly, willingly and voluntarily and after having reviewed the due process rights afforded to him under KRS Chapter 312 and the accompanying regulations;
- 2) The Respondent, Shawn Sizemore, D.C., admits that he has not completed all of the terms and conditions of agreement set forth in the Agreed Order entered January 10, 2006. The failure to comply with the terms and conditions of the settlement agreement constitutes a violation of KRS

312.150(1)(a), and provides grounds to take disciplinary action against the Respondent's license pursuant to KRS 312.019(3), (5), KRS 312.163 and 201 KAR 21:051;

3) The Respondent agrees to remain on **PROBATION** for two (2) additional years, ending January 10, 2010;

4) Before the completion of the probationary period, the Respondent shall:

(a) successfully complete (pass) the Ethics and Boundaries examination of the National Board of Chiropractic Examiners, with proof submitted to the Board; and

(b) successfully complete (pass) the SPEC Exam of the National Board of Chiropractic Examiners;

5) During the probationary period, the Respondent's practice of chiropractic shall be monitored by a Board-approved supervisor, subject to the following terms and conditions:

(a) The supervisor shall be either a current member of the Chiropractic Peer Review Committee or a chiropractor registered with the Board to perform peer review services, and shall meet with the Respondent on a quarterly basis throughout the two (2) year probationary period;

(b) The first supervision session shall occur within thirty (30) days of signing of the Agreed Order herein;

(c) The supervisor shall file a report with the Board following each meeting with the Respondent detailing his observations, the topics

discussed, and the length of time spent with the Respondent. Reports shall be submitted to the Board within one (1) week of the supervisory meeting;

(d) The Respondent shall be responsible for reimbursing the supervisor for his/her travel expenses in accordance with the provisions of state law, and pay an hourly wage agreed upon in writing between the parties;

(e) In the event the supervisor is unable or unwilling to continue to provide supervision services to the Respondent, the Respondent shall notify the Board within ten (10) days of cessation and will be granted no more than thirty (30) days to obtain a replacement supervisor;

6) Within ten (10) days of receipt of the Agreed Order herein, the Respondent shall pay a fine in the amount of five hundred dollars (\$500), or the Respondent may pay one thousand dollars (\$1,000) within thirty (30) days of receipt of the Agreed Order herein. Said fine shall be made payable to the Kentucky State Treasurer via cashiers check or money order;

7) The Respondent shall reimburse all patients who were improperly billed as a result of the Respondent's actions set forth in the Administrative Complaint dated June 24, 2005 (during the period in question, February 6, 2003 through September 20, 2004). The Respondent shall submit proof of payment to the Board before the expiration of the probationary period;

8) The Respondent agrees that further violations of any laws, statutes or administrative regulations governing the practice of chiropractic in the Commonwealth of Kentucky shall result in the automatic suspension of the Respondent's license pending an administrative hearing on the charges;



9) The original, executed Agreed Order must be received in the office of the board, *postmarked no later than ~~March~~ <sup>April</sup> 28, 2008;* <sup>RSS</sup>

10) The board shall make no referral of this matter for any criminal proceeding; and

11) The Respondent, Shawn Sizemore, D.C., agrees that his failure to comply with any of the terms and conditions of this Agreed Order shall result in the board setting the matter for an administrative hearing in accord with KRS Chapter 13B.

#### ***Voluntary Waiver of Rights***

No coercion has been exerted upon the Respondent, nor have any promises been made other than those reflected in this Agreed Order.

The Respondent is fully aware of his rights to contest the allegations of violations of law in a formal administrative hearing. These rights include: representation by an attorney at the Respondent's own expense, the right to confront and cross-examine witnesses called to testify against the Respondent, the right to present evidence on the Respondent's own behalf, the right to testify on his own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the accusation and the right to obtain judicial review of the Board's decision. All of these rights are being voluntarily waived by the Respondent in exchange for the Board's acceptance of this Agreed Order.

#### ***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.

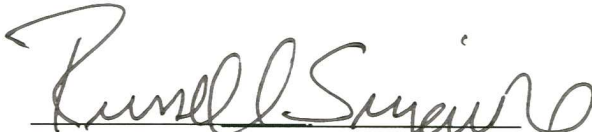
**Complete Agreement**

This Settlement Agreement consists of <sup>twelve (12) D8F</sup> ~~seven (7)~~ pages and embodies the entire agreement between the Kentucky Board of Chiropractic Examiners and Shawn Sizemore, D.C. It may not be altered, amended or modified without the express written consent of both parties.

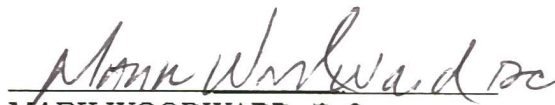
**Have Seen, Understood and Approved:**

  
SHAWN SIZEMORE, D.C.  
License No. 4590  
Respondent

4/9/07  
\_\_\_\_\_  
Date

  
RUSSELL SIZEMORE, ESQ.  
Counsel for the Respondent

4/9/07  
\_\_\_\_\_  
Date

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

05/12/08  
\_\_\_\_\_  
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 \_\_\_\_\_ day of May, 2008:

SHAWN SIZEMORE, D.C.

*Respondent*

HON. DIANE SCHULER FLEMING  
Office of the Attorney General  
700 Capitol Ave., Ste. 118  
Frankfort KY 40601  
*Board Counsel*

PEGGY RIDDLE  
Div. of Administrative Hearings  
Office of the Attorney General  
1024 Capital Center Drive  
Frankfort KY 40601-8204

And a courtesy copy to:

HON. RUSSELL SIZEMORE

*Counsel for the Respondent*

And the original shall be maintained by the Board

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