

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

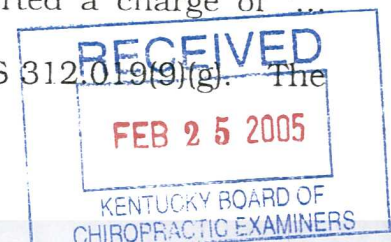
IN RE: Chiropractic License # 4058 held by Stephen Lee Graham, D.C.

STEPHEN LEE GRAHAM

AGREED ORDER

Comes the Kentucky Board of Chiropractic Examiners, hereafter the "Board," and Stephen Lee Graham, D.C., hereafter the "Respondent," and the parties hereby agree as follows:

1. The Board received a complaint about the Respondent from the Kentucky State Board of Hairdressers and Cosmetologists.
2. The Respondent previously received approval from the Kentucky State Board of Hairdressers and Cosmetologists to teach a continuing education course to interested cosmetologists.
3. During the continuing education course, attendees were asked to provide insurance cards for free chiropractic x-rays and "complimentary checkups."
4. Some attendees allege that their insurance companies were billed for the alleged free or discounted services.
5. Respondent did not provide notice of the 72 hour right of rescission with the free offer, in violation of 201 KAR 21:080.
6. Since Respondent claimed the services were offered free of charge, and that some insurance companies may have been inadvertently billed, it is the Board's position that said solicitation could have supported a charge of "... false, misleading, or deceptive practice" in violation of KRS 312.019(9)(g). The



Respondent does not admit wrongdoing, but does admit that the program was not adequately supervised.

7. Rather than pursuing a hearing on the allegations in the complaint, the parties have decided to resolve this matter by means of this Agreed Order.

WHEREFORE, IT IS HEREBY AGREED AND ORDERED THAT:

A. Respondent shall pay a \$500 penalty on or before *February 14, 2005*. The penalty shall be made payable to the "Kentucky Board of Chiropractic Examiners."

B. Upon receipt of a demand for reimbursement, Respondent shall reimburse any insurance companies that were billed for the free services and provide proof of reimbursement to the Board, if applicable. The Respondent agrees to honor all documented requests for reimbursement submitted on or before *July 31, 2005*.

C. Upon receipt of a demand for reimbursement, Respondent shall reimburse all attendees the cost of the continuing education course, with proof to the Board. The Respondent agrees to honor all documented requests for reimbursement submitted on or before *July 31, 2005*.

D. The Respondent accepts the reprimand of the Board for the above-stated violation. The Respondent agrees he will act more diligently in the future to insure that he complies with KRS Chapter 312 and the accompanying regulations.

E. Respondent enters into this Agreed Order knowingly, willingly, voluntarily, and after having reviewed the due process rights afforded him

under KRS Chapter 312, KRS Chapter 13B, and 201 KAR Chapter 21;

F. Respondent understands that by signing this Agreed Order, he has waived his right to a hearing on these allegations, including the right to be at a hearing with counsel, to subpoena witnesses and to confront those against him, the right to appeal the board's decision as entered in the Agreed Order, and the full panoply of rights of hearing and appeal as authorized by statute, regulation, and court decision;

G. Respondent acknowledges and understands that this Agreed Order is subject to disclosure under the Kentucky Open Records Act;

H. Respondent acknowledges he is ineligible for participation in any chiropractic preceptorship program pursuant to 201 KAR 21:085; and

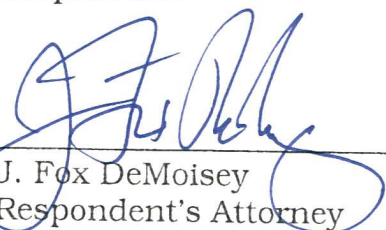
I. Respondent agrees that his failure to comply with any of the terms of this Agreed Order may result in the Board setting the allegations and his failure to comply with this order for hearing.



Stephen Lee Graham, D.C.
Respondent

1/11/05

Date



J. Fox DeMoisey
Respondent's Attorney

2/18/05

Date



Lenita Reasor-Brann, D.C., President
Kentucky Board of Chiropractic Examiners

2-28-05

Date

Certificate of Service

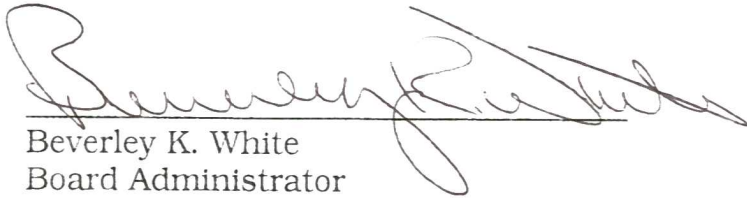
I hereby certify that a true and correct copy of the foregoing **Agreed Order** was mailed via U.S. mail, postage pre-paid to the following this 2nd day of March, 2005:

FOX DEMOISEY, Esq.

Counsel for Respondent

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

And the original shall be maintained by the Board


Beverley K. White
Board Administrator
Kentucky Board of Chiropractic Examiners