

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

*Pd. \$4,000.-  
Republic BANK official CHK #  
30182536*

**IN RE: CHIROPRACTIC LICENSE # 4782  
HELD BY Devin Thauberger, D.C.**

Devin Thauberger, D.C.  
11311 Wooded Branch Lane  
Louisville KY 40291

*Pd. \$2,000.-  
CHK # 10453  
1-23-09*

**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 Devin Thauberger, D.C., hereinafter referred to as the "Respondent."

*Pd. \$2,000.- CHK # 10521  
5-14-2009 (LCC)  
Pd. \$2,000.-  
CHK # 10582  
8-13-09  
LCC*

**Jurisdiction**

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

**History**

**WHEREAS**, on or about August 24, 2007 a letter was received in the Board offices from Amy Brinker alleging that the Respondent instructed her to falsify sign-in sheets and bill insurance companies and Medicare for services that were not rendered; and

**WHEREAS**, on or about October 17, 2007 the Respondent filed a reply wherein he admitted the factual allegations contained in Ms. Brinker's letter, but alleged that he merely intended to bill the patients for a missed appointment, not for services not rendered. Dr. Thauberger stated that he did

not intentionally attempt to defraud either the patients or the insurance companies and that he had already reimbursed the insurance companies for the improper billing; 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 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 him under KRS Chapter 312 and the accompanying regulations;

2) The Respondent, Devin Thauberger, D.C., accepts the reprimand of the Board for the violation of KRS 312.150(1)(b), (f), (g), (2)(c)-(e), and 201 KAR 21:015(5). The Respondent agrees to act more diligently in the future to insure that he will comply with KRS Chapter 312 and the accompanying administrative regulations. The Respondent acknowledges that the Board considers these allegations substantial.

3) The Respondent, Devin Thauberger, D.C., shall pay restitution to the board in the amount of ten thousand dollars (\$10,000). Said amount shall be paid by either Visa or cashier's check made payable to the "Kentucky Board of Chiropractic Examiners." This signed and executed Agreed Order shall be returned to the Board Office on or before December 1, 2008 with the first installment payment as follows. A payment of four thousand dollars

(\$4,000.00) shall be made on or before December 1, 2008; and a second installment of two thousand dollars (\$2,000.00) shall be paid on or before March 1, 2009; a third installment of two thousand dollars (\$2,000.00) shall be paid on or before June 1, 2009; and the last installment of two thousand dollars (\$2,000.00) shall be paid on or before September 1, 2009; and

4) The Respondent agrees that further violations of any laws, statutes or administrative regulations related to the practice of chiropractic in the Commonwealth of Kentucky that the Board deems to be substantial within one year shall result in the automatic **SUSPENSION** of his license No. 4782 for twenty (20) consecutive days pending an administrative hearing on those charges. During said suspension period, the Respondent may hire a Kentucky licensed chiropractor to continue patient care; and

5) On or before June 1, 2009 the Respondent shall complete an additional six (6) hours of continuing education in Radiology; and

6) On or before June 1, 2009, the Respondent shall complete the two (2) hour Kentucky Jurisprudence course; and

7) Within six (6) months of the signature of the Agreed Order herein, Respondent Devin Thauberger, D.C. shall successfully complete (pass) the Ethics and Boundaries examination of the National Board of Chiropractic Examiners, with proof submitted to the Board; and

8) The Respondent acknowledges that he is ineligible for participation in any chiropractic preceptorship program for two (2) years pursuant to 201 KAR 21:085, Section 2(7); and

9) This Agreement constitutes the resolution of this matter.

However, the Respondent, Devin Thauberger, D.C., agrees that his failure to comply with any of the terms and conditions of this Agreed Order may result in the board setting the matter for an administrative hearing in accord with KRS Chapter 13B.

***Voluntary Waiver of Rights***

The Respondent, Devin Thauberger, D.C., has had the opportunity at all times to seek advice from competent counsel of choice. No coercion has been exerted upon the Respondent, nor have any promises been made other than those reflected in this Agreed Order.

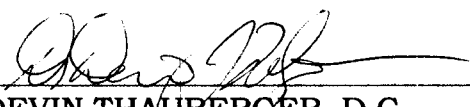
***Publication of Settlement Agreement***

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. This Agreed Order may at any time be published on the Board's website, [www.kbce.ky.gov](http://www.kbce.ky.gov).

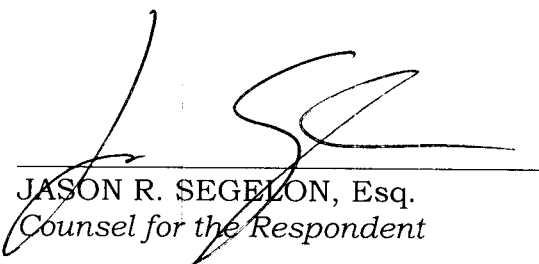
***Complete Agreement***

This Settlement Agreement consists of five (5) pages and embodies the entire agreement between the Kentucky Board of Chiropractic Examiners and Devin Thauberger, D.C. It may not be altered, amended or modified without the express written consent of both parties.

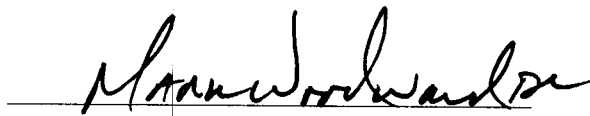
***Have Seen, Understood and Approved:***

  
\_\_\_\_\_  
DEVIN THAUBERGER, D.C.  
License No. 4782  
*Respondent*

12/01/08  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
JASON R. SEGELON, Esq.  
*Counsel for the Respondent*

12/5/08  
\_\_\_\_\_  
Date

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

12/15/08  
\_\_\_\_\_  
Date

**Certificate of Service**

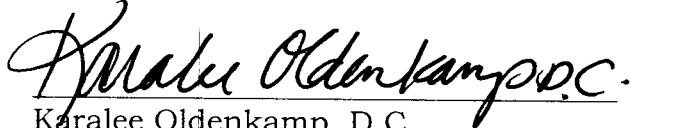
I hereby certify that a true and correct copy of the foregoing **Agreed Order** was mailed via U.S. mail, postage pre-paid to the following this 15<sup>th</sup> day of December, 2008:

DEVIN THAUBERGER, D.C.  
11311 Wooded Branch Lane  
Louisville KY 40291  
*Respondent*

And a courtesy copy to:  
HON. JASON R. SEGELON  
125 S. Seventh St.  
Louisville KY 40202  
*Counsel for the Respondent*

HON. Ryan Halloran  
HON. Michael West  
Office of the Attorney General  
700 Capitol Ave., Ste. 118  
Frankfort KY 40601  
*Board Counsel*

And the original shall be maintained by the Board

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