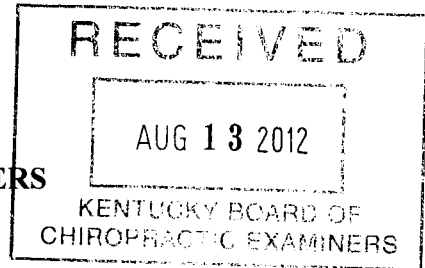


COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS
BOARD ACTION NO. 12-001
ADMINISTRATIVE ACTION NO. 12-KBCE-131



IN RE: **CHIROPRACTIC LICENSE # 5307**
HELD BY Donald Robert Miller, D.C.

Pl \$1,000 -
pd \$1,000 - OK #1167
9/10/12

AGREED ORDER

Pl \$1,000 12/14/12
CHK #1193

Parties

WHEREAS, the parties to the Agreed Order herein are the Kentucky Board of Chiropractic Examiners, hereinafter referred to as the "Board," and Donald Robert Miller 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 Board filed an administrative complaint against the Respondent on or about April 20, 2012; and

WHEREAS, the substance of the complaint consisted of allegations that the Respondent (1) committed violations of the requirement 72-Hour Right of Rescission and (2) committed statutory and ethical violations by issuing false advertising, (3) committed statutory and ethical violations by rendering care that would not be rendered by a reasonably prudent chiropractor, and (4) committed statutory and ethical violations related to the name of his facility; and

WHEREAS, many of the violations referenced above relate to unlicensed practice by the father of the Respondent; and

WHEREAS, the Board and the father of the Respondent have resolved Franklin Circuit

Case No. 2012-1107 by 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 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; and

2) The Respondent, Donald Robert Miller, D.C., admits violation of 201 KAR 21:015(2), KRS 312.145(3), 201 KAR 21:065(3)(1), KRS 312.150(1)(d), KRS 312.150(1)(f), and 201 KAR 21:065(2); and

3) The Respondent acknowledges that he has read and understands the terms of the Settlement Agreement in Franklin Circuit Case No. 2012-1107. He acknowledges that the advertising and practice restrictions put in place by that order shall be enforceable against him as he is responsible for the advertising and operation of the facility he owns; and

4) The Respondent, Donald Robert Miller, D.C., shall pay a fine to the Board in the amount of four thousand dollars (\$4,000.00). The fine shall be made payable to the "Kentucky Board of Chiropractic Examiners" by check or money order; and

a. The fine referenced in numerical 4 shall be paid according to the following schedule:

i. \$1,000 received at the Board Office with the submission of the signed

Agreed Order; and

ii. \$1,000 received at the Board Office on or before September 1, 2012;

and

iii. \$1,000 received at the Board Office on or before October 1, 2012; and

iv. \$1,000 received at the Board Office on or before November 1, 2012.

5) The Respondent, Donald Robert Miller, D.C., agrees that the failure to comply with any of the terms and conditions of this Agreed Order shall be considered an independent violation of KRS 312 and may result in the Board setting this matter for an administrative hearing in accord with KRS Chapter 13B to adjudicate that violation and the violations underlying this Agreed Order as stated in the Complaint.

Voluntary Waiver of Rights

The Respondent, Donald Robert Miller, 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.

Release of Liability

In consideration of execution of this Agreed Order, the Respondent and the Respondent's executors, administrators, successors and assigns, hereby release and forever discharge the Commonwealth of Kentucky, the Kentucky Board of Chiropractic Examiners, and the Kentucky Attorney General and each of their members, agents, and employees in their individual and representative capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that the Respondent ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph arising out of or by reason of this investigation, this

disciplinary action, this Agreed Order, or its administration.

Acceptance by the Board

The Respondent understands that the Board is free to accept or reject this Agreed Order, and if rejected by the Board, a formal disciplinary hearing on the accusation against the Respondent may be scheduled thereafter. The Respondent hereby agrees to waive any right the Respondent might have to challenge the impartiality of the Board, based solely upon the presentation of this Agreed Order, and to hear the disciplinary accusation if, after review by the Board, this Agreed Order is rejected.

If the Agreed Order is not accepted by the Board, it shall be regarded as null and void. Admissions by the Respondent in the Agreed Order will not be regarded as evidence against the Respondent at the subsequent disciplinary hearing. The Respondent will be free to defend, and no inferences against the Respondent will be made from the Respondent's willingness to have entered into this agreement.

The Agreed Order will not be submitted for Board consideration until after it has been agreed to and executed by the Respondent. The Agreed Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

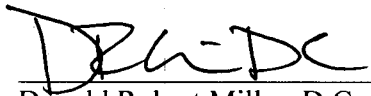
Publication of Settlement Agreement

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 Donald Robert Miller, D.C.. It may not be altered, amended or modified without the expressed written consent of both parties.


Have Seen, Understood and Approved:



Donald Robert Miller, D.C.
License No. 5307
Respondent

7.31.12


Date



Ryan Schwartz
Counsel for Respondent

7-30-2012

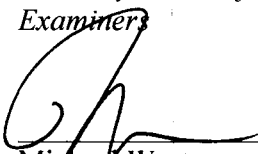
Date



Mark Woodward, D.C.
President
Kentucky Board of Chiropractic
Examiners

08/09/12

Date



Michael West
Board Counsel

8/2/12

Date

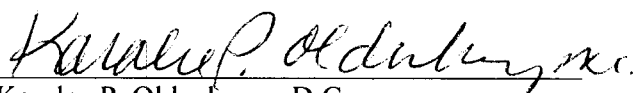
Certificate of Service

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 13th day of August, 2012:

Ryan Schwartz
Sherrow, Sutherland, and Associates, PSC
200 Southland Drive
Lexington, KY 40503
Counsel for Respondent

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 P. Oldenkamp, D.C.
Board Administrator
Kentucky Board of Chiropractic Examiners