

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

IN RE: **CHIROPRACTIC LICENSE # 5425
 HELD BY Dr. Mark Alan Miller, D.C.
 Administrative Case # 16-018**

Mark Alan Miller, D.C.
145 Barkley Estates
Nicholasville, KY 40356

RECEIVED

MAR 29 2019

Kentucky Board of
Chiropractic Examiners

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 Mark Alan 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 Respondent engaged in conduct with patient "K.S." involving the following allegations: Entering into a contract for treatment, charging an unconscionable fee, failing to meet required standards for radiology, engaging in false, misleading, or deceptive practices, and deception or misrepresentation in violation of KRS 312.150(1)(d)(f)(g) and KRS 312.150 (2) (a)(c)(d); and

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

*P.L. \$500.-
CHK# 8012*

*4/18 P.L. \$500.-
CHK# 8022*

*P.L. \$500.-
CHK# 8037
5/1/19*

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, Mark Alan Miller, D.C., accepts the reprimand of the Board, while not admitting guilt, for the violations related to failing to meet the required standards for radiology and entering into a contract for services not yet rendered. All remaining counts in the formal charging document are DISMISSED. The Respondent agrees to act more diligently in the future to insure that he complies with KRS Chapter 312 and the accompanying administrative regulations;
- 3) The Respondent, Mark Alan Miller, D.C., shall pay a fine to the board in the amount of five thousand dollars (\$5,000.00). Said fine shall be made payable to the "Kentucky Board of Chiropractic Examiners."
- 4) The original, executed Agreed Order and initial fine payment of \$500 must be received in the office of the board, *postmarked no later than February 25th, 2019, with monthly payments made by the 25th of every month thereafter until paid in full.*
- 5) On or before November 30th 2019, the Respondent shall complete twelve

(12) hours of Kentucky approved radiology continuing education;
Examiners, with proof submitted to the Board; and

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

7) The Respondent, Mark Alan Miller, D.C., agrees that the 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, Mark Alan 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.

Publication of Settlement Agreement

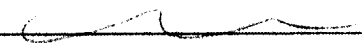
The Respondent acknowledges that, once adopted by the Board, this Agreed Order may be considered a public document, available for inspection at any time by any member of the public under the Kentucky Open Records Act, and may be reportable under federal law. This Agreed Order may at any time be published on the Board's website, www.kbce.ky.gov.

Complete Agreement

This Settlement Agreement consists of four (4) pages and embodies the entire agreement between the Kentucky Board of Chiropractic Examiners and

Title. It may not be altered, amended or modified without the express written consent of both parties.

Have Seen, Understood and Approved:



Mark Alan Miller, D.C.
License No. 5425
Respondent

3.20.19

Date



JEFFREY SMITH, D.C.
President
Kentucky Board of Chiropractic
Examiners

3/29/19

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 *29th* day of *March*, 2019:

Mark Alan Miller, D.C.
145 Barkley Estates
Nicholasville, KY 40356
Respondent

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

And the original shall be maintained by the Board



Karalee P. Oldenkamp, D.C.

Executive Director
Kentucky Board of Chiropractic Examiners