

COMMONWEALTH OF KENTUCKY  
KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS

RECEIVED  
OCT 15 1996  
KENTUCKY BOARD OF  
CHIROPRACTIC EXAMINERS

IN RE: THE LICENSE TO PRACTICE CHIROPRACTIC HELD BY:  
MICHAEL D. NEMASTIL, D.C.

AGREED ORDER

Comes the Kentucky Board of Chiropractic Examiners, hereafter the "Board," by counsel, and Michael D. Nemastil, hereafter the "Respondent," and the parties hereby agree as follows:

1. That Respondent advertised a free or discounted service in the Woodford Sun on or about August 1, 1996, without including adequate notice of the seventy-two (72) hour right of rescission required by KRS 312.019 (9) (g) and 201 KAR 21:080, Section 2 (1);
2. That Respondent admits he failed to send a copy of the written advertisement to the Board simultaneous to publication of the advertisement as required by 201 KAR 21:065, Section 3;
3. That rather than pursue a hearing on these violations, the parties have decided to resolve this matter by means of this Agreed Order.


WHEREFORE, IT IS HEREBY ORDERED, that:

- a. The Respondent accepts the reprimand of the Board for the above-stated violations. The Respondent

agrees he will act more diligently in the future to insure that all advertising issued by him, or on his behalf, will comply with KRS Chapter 312 and the accompanying regulations;

- b. The Respondent will pay a \$100 fine to the Board. Said fine will be made payable to the "Kentucky State Treasurer" on the date of Respondent's signing of the Agreed Order. The Agreed Order and accompanying payment must be mailed to the Board's office, postmarked no later than October 7, 1996;
- c. The Board shall make no referral of this matter for any criminal proceeding;
- d. The Respondent 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;
- e. The Respondent understands that by signing this Agreed Order, he has waived his right to a hearing on the allegations, including the right to be present with counsel, to subpoena witnesses and to confront those against him, and 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;

- f. This Agreed Order is subject to disclosure under the Kentucky Open Records Act;
- g. The Respondent acknowledges he is ineligible for participation in any chiropractic preceptorship program for five years pursuant to 201 KAR 21:085, Section 2(7);
- h. The Respondent will notify all consumers who responded to the advertisement and advise those consumers of the complete notice of right of rescission, as required by 201 KAR 21:080, Section 1 (3).

  
G. HAROLD BYERS, PRESIDENT  
KENTUCKY BOARD OF  
CHIROPRACTIC EXAMINERS

9-26-96  
DATE

  
MICHAEL D. NEMASTIL  
RESPONDENT

10-11-96  
DATE