

COMMONWEALTH OF KENTUCKY  
KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS  
IN RE: ANA MORENO, LICENSE NO. 248947

**AGREED ORDER OF VOLUNTARY SURRENDER**

Come now the Kentucky Board of Chiropractic Examiners (hereafter “the Board”) and Ana Moreno, D.C., license number 248947 (hereafter “Licensee”) and hereby enter into the following Agreed Order:

**STIPULATIONS**

1. On October 7, 2021, Licensee, through counsel, reported to the board her plea of guilty in USA v. Moreno, United States District Court, Eastern District of Kentucky at London, Docket No. 6:21-CR-00056-CHB-HAI, to a violation of 18 U.S.C. § 371, Conspiracy to commit offense or to defraud United States. As part of her plea, Licensee admitted to “the referral of genetic testing services that could be billed to federal health care programs, in violation of the Anti-Kickback Statute, 42 U.S.C. § 1320a-7b,” specifically, “at least \$8,000 in exchange for . . . causing the referral of genetic testing services.” In addition, Licensee admitted to directing an individual to lie to investigators.
2. As of the date of execution of this Agreed Order by Licensee, Licensee is scheduled to be sentenced on November 1, 2022.
3. Licensee has not practiced chiropractic in any capacity since at least October 7, 2021.
4. The Board is authorized under KRS 312.150 to take disciplinary action against licensees. Sufficient evidence exists in this matter for the Board to take disciplinary action under KRS 312.150, including, but not limited to, (1)(b), (1)(c), (1)(f), (1)(g), (2)(e), (2)(f), and (2)(h).

5. Licensee recognizes there exists sufficient evidence to sustain a disciplinary action against Licensee in an Administrative Hearing. Licensee nevertheless desires to settle this matter in an expeditious manner without resorting to an Administrative Hearing.
6. Licensee has at all times relevant to this matter had the opportunity to seek advice from competent legal counsel of Licensee's choice. Licensee has not been coerced in any respect to enter into this Agreed Order, nor have any promises been made other than those reflected in this Agreed Order.
7. Licensee freely and voluntarily enters into this Agreed Order for the purposes of resolution of the issues presented herein, and has executed this Agreed Order only after a careful reading and understanding of all of its terms.

#### **TERMS**

8. Based on the foregoing Stipulations and based upon Licensee's desire to voluntarily surrender her license, the parties hereby agree to the following terms:
9. Licensee shall voluntarily surrender her license, with the effective surrender date being the date she executes this Agreed Order.
10. Licensee shall be permitted to reapply for licensure with the Board but not until the later of the following has occurred:
  - a. A minimum of two years has passed since her execution of this Agreed Order; or,
  - b. She has completed any term of imprisonment imposed in United States District Court, Eastern District of Kentucky at London, Docket. No. 6:21-CR-00056-CHB-HAI.
11. Licensee understands and agrees that the decision about whether to permit her to resume chiropractic care within the Commonwealth of Kentucky lies in the sole discretion of the Board.

12. Licensee expressly understands and agrees that if the Board grants the Licensee's request to resume chiropractic care in the future, it shall do so by an Amended Agreed Order that, at a minimum, shall require Licensee to complete a two-year term of probationary licensure status during which she shall be required to comply with all legal and professional standards applicable to all Board licensees and any material violation of such standards shall be grounds for immediate suspension of the probationary license, at the Board's sole discretion.
13. Any violation by the Licensee of the terms of this Agreed Order shall be grounds for further action by the Board.
14. Licensee shall execute and return a copy of this Agreed Order to the Board within thirty (30) days of receipt of the Agreed Order or it shall be null and void, and the Board may institute further disciplinary action.

#### **AUTHORITY TO BIND**

15. All Parties and their undersigned representatives warrant and represent that they have the requisite power and authority to enter into this Agreed Order and to effectuate the purposes herein, and that this Agreed Order shall be legally binding and enforceable against each Party in accordance with terms of the Agreed Order.

#### **CHOICE OF LAW**

16. This Agreed Order shall be governed in all respects by the laws of the Commonwealth of Kentucky. Any disputes arising under this Agreed Order shall be resolved in the Circuit Court of Franklin County, Kentucky; the Parties consent and agree to the *in personam* jurisdiction of such Court.

#### **RELEASE OF LIABILITY**

17. In consideration of execution of this Agreed Order, the Licensee, together with any of Licensee's executors, administrators, agents, successors and assigns, do hereby release and forever discharge the Complainants, Commonwealth of Kentucky, the Board of Chiropractic Examiners, the Department of Professional Licensing, and each of their members, agents, and employees in both their individual and representative capacities, of and from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known or unknown, in law or equity, which Licensee ever had, now has, may have or claim to have against any or all of the entities or persons named in this paragraph arising out of or by reason of this investigation, this Agreed Order, or its administration.

#### **ACCEPTANCE BY THE BOARD**

18. Licensee acknowledges that after Licensee signs this Agreed Order, the Agreed Order shall be presented to the Board with a recommendation for approval from the Board's Counsel at the next regularly scheduled meeting of the Board following receipt of the executed Agreed Order. The Agreed Order shall not become effective until it has been approved by the Board and endorsed by the Chair of the Board. Licensee understands the Board is under no obligation to accept or reject this Agreed Order, and hereby waives any right Licensee may have had to challenge, based upon the presentation of this Agreed Order to the Board, the impartiality of the Board to hear an administrative action if this Agreed Order is rejected. If this Agreed Order is rejected by the Board, it shall be regarded as null and void, and of no effect. No statement or term contained in this Agreed Order will be regarded as evidence in any subsequent disciplinary hearing, nor shall any inference be taken from Licensee's willingness to enter into this Agreed Order.

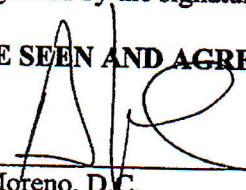
#### **OPEN RECORDS**

19. Licensee acknowledges this Agreed Order is subject to disclosure under the Kentucky Open Records Act, may be reportable under Federal law, and may be shared with any professional organization or licensing board as the Board deems appropriate, in its discretion.

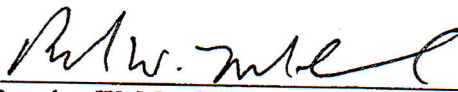
**COMPLETE AGREEMENT**

20. This Agreed Order embodies the entire agreement between the Board and Licensee. It may not be altered, amended, or modified without the express written agreement of both parties. The effective date of this Agreed Order shall be the date of its acceptance by the Board, as signified by the signature of the Board Chair.

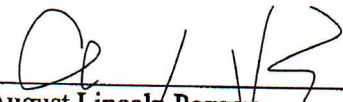
**HAVE SEEN AND AGREED:**

  
\_\_\_\_\_  
Ana Moreno, D.C.  
Licensee

7-27-22  
\_\_\_\_\_  
Date

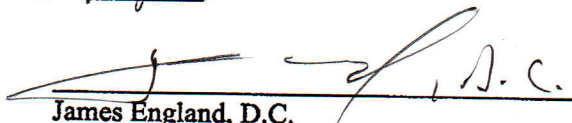
  
\_\_\_\_\_  
Brandon W. Marshall  
Counsel for Ana Moreno, D.C.

8/4/22  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
August Lincoln Pozgay  
Board Counsel

8/5/2022  
\_\_\_\_\_  
Date

SO ENTERED this 8 of August, 2022.

  
\_\_\_\_\_  
James England, D.C.  
President, Kentucky Board of Chiropractic Examiners