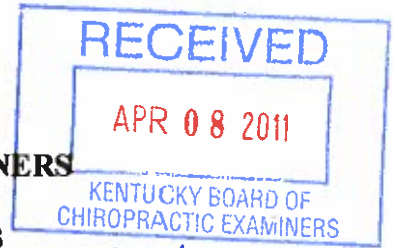


COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS
BOARD ACTION NO. 09-82
ADMINISTRATIVE ACTION NO. 10-KBCE-203



KENTUCKY BOARD OF
CHIROPRACTIC EXAMINERS

COMPLAINANT

V.

ARTHUR PANGEMANAN, D.C.
License # 4926

RESPONDENT

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 Arthur Pangemanan, 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, on or about July 8, 2010, the Board filed an administrative complaint against the Respondent;

WHEREAS, in that complaint, the Board charged the Respondent with violations of KRS 312.150(1)(g), 201 KAR 21:015(8), and KRS 312.150(2)(h);

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; and
- 2) The Respondent denies that he violated KRS 312.150(1)(g), 201 KAR 21:015(8), KRS 312.150(2)(h). However, the Respondent acknowledges that, based on the standard of proof in an administrative hearing conducted pursuant to KRS 13B, the evidence is such that the Board might determine that he violated the aforementioned provisions if a hearing were held in this action; and
- 3) The Respondent shall be suspended for a period of six (6) months. This suspension shall be probated for a period of three (3) years from the date of this Order as signified by the date of the Chairman's signature. The Respondent shall serve the suspension if and only if he violates KRS 312 within the three-year probationary period and is convicted by the Board for that violation pursuant to the processes for disciplinary action resolution delineated in 201 KAR 21:051; and
- 4) Within six (6) months of the entry of the Agreed Order herein, as signified by the date of the Chairman's signature, Respondent shall successfully complete and achieve a passing score on the Ethics and Boundaries examination of the National Board of Chiropractic Examiners, with proof submitted to the Board; and
- 5) During the probationary period referenced in this Agreed Order, the Respondent shall not complete an exam or otherwise treat a female patient or minor unless a female attendant

is present in the room where the exam or treatment is being conducted. The Board acknowledges that this provision does not apply to treatment conducted in open areas within the Respondent's facility; and

6) Within six (6) months of the entry of the Agreed Order herein, as signified by the date of the Chairman's signature, the Respondent shall undergo evaluation by a Kentucky-licensed psychologist of his choosing and who has been approved by the Board in order to determine fitness for practice. If the psychologist recommends that further treatment or consultation is necessary, the respondent shall undergo the suggested treatment. This evaluation and any associated treatment will be conducted at the Respondent's expense. Upon completion of the evaluation, the Respondent shall cause the psychologist to issue a report to the Board indicating whether the Respondent is fit to practice chiropractic and whether further treatment is recommended; and

7) Within twelve (12) months of the entry of the Agreed Order herein, as signified by the date of the Chairman's signature, the Respondent shall complete twelve (12) hours of continuing education focused on radiology with proof submitted to the Board. This requirement is in addition to any continuing education that the Respondent is required to obtain for license renewal; and

8) Within twelve (12) months of the entry of the Agreed Order herein, as signified by the date of the Chairman's signature, the Respondent shall complete twelve (12) hours of continuing education focused on physical examination with proof submitted to the Board. This requirement is in addition to any continuing education that the Respondent is required to obtain for license renewal; and

9) Within two (2) months of the entry of the Agreed Order herein, as signified by the

date of the Chairman's signature, the Respondent shall reimburse the Board for costs and attorney's fees accrued related to this action in an amount not to exceed two-thousand dollars (\$2,000.) The Board shall submit itemized proof of these costs to Respondent's Counsel. The payment for these costs shall be made by certified check or money order made payable Kentucky Board of Chiropractic Examiners and shall be received at the Board Office within the referenced two-month period; and

10) The Respondent agrees that his failure to comply with any of the terms and conditions of this Agreed Order shall be considered an independent violation of KRS 312.150 and he shall be subject to discipline under that provision for such a failure. In addition, if the Respondent fails to comply with any of the terms and conditions of this Agreed Order the charges that constitute the basis for this action may be reinstated. In the event that the Board determines that probable cause for such a failure exists, the Respondent shall be entitled to an administrative hearing held pursuant to KRS 13B on that issue.

Voluntary Waiver of Rights

The Respondent, Arthur Pangemanan D.C., has had the opportunity at all times to seek advice from competent counsel of choice and the Respondent has exercised that right. No coercion has been exerted upon the Respondent, nor have any promises been made other than those reflected in this Agreed Order. The Respondent waives his right to appeal to the Circuit Court from this final order of the Board.

Release of Liability

In consideration of execution of this Settlement Agreement, 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 Settlement Agreement, or its administration.

Acceptance by the Board

The Respondent understands that the Board is free to accept or reject this Settlement Agreement, and if rejected by the Board, a formal disciplinary hearing on the accusation against the Respondent may be rescheduled 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 Settlement Agreement, and to hear the disciplinary accusation if, after review by the Board, this Settlement Agreement is rejected.

If the Settlement Agreement is not accepted by the Board, it shall be regarded as null and void. Admissions by the Respondent in the Settlement Agreement 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 Settlement Agreement will not be submitted for Board consideration until after it has been agreed to and executed by the Respondent. The Settlement Agreement shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

Cooperation with the Board and Indemnity

The Respondent agrees to permit and cooperate with the Board, its members, agents, and employees to monitor the Respondent's compliance with the terms and conditions of this Settlement Agreement. The Respondent agrees to indemnify the Board for its costs, including reasonable attorney's fees, if the Board finds, after notice and opportunity to be heard, that the Respondent has failed to comply with any provision of this Settlement Agreement.


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 state or federal law. This Agreed Order may at any time be published on the Board's website, www.kbce.ky.gov.

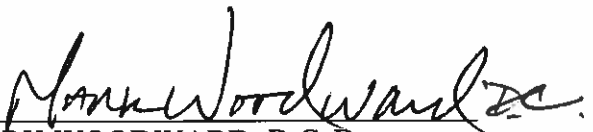
Complete Agreement

This Settlement Agreement consists of seven (7) pages, inclusive of the certificate of service and embodies the entire agreement between the Kentucky Board of Chiropractic Examiners and Arthur Pangemanan, D.C.. It may not be altered, amended or modified without the expressed written consent of both parties.

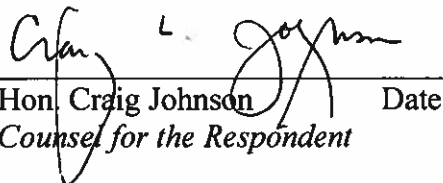
Have Seen, Understood and Approved:



Arthur Pangemanan, D.C. Date 3/25/11
License No. 4926
Respondent



MARK WOODWARD, D.C. Date
Chairman
Kentucky Board of Chiropractic Examiners



Hon. Craig Johnson Date 3.30.11
Counsel for the Respondent

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 April, 2011:

Mr. Craig Johnson
Whonsetler & Johnson, PLLC
6011 Brownsboro Park Blvd., Suite E
Louisville, KY 40207
Attorney for Respondent

Mr. Stuart Cobb
Office of the Kentucky Attorney General
Administrative Hearings Division
1024 Capitol Center Drive, Ste. 200
Frankfort, KY 40601
Hearing Officer

Mr. 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.
Executive Director
Kentucky Board of Chiropractic Examiners