

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

IN RE: **CHIROPRACTIC LICENSE # 3133-R
 HELD BY Bing G. Crosby, D.C.
 ADMINISTRATIVE CASE # 12-KBCE-0272**

Bing G. Crosby, D.C.
4508 Outer Loop
Louisville, KY 40219

Pd. \$ 500. - 2-28-13
CHK # 1060

Pd. \$ 500. - 4-12-13
CHK # 1100

Pd. \$ 250. - CHK # 1159
8-12-13

Pd. \$ 500. - CHK # 1138
6-30-13

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 Bing G. Crosby 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 advertised a "free seminar" without including adequate notice of the seventy-two (72) hour right of rescission required by KRS 312.019(9)(g) and 201 KAR 21:065, Section 3(1); and

WHEREAS, the Respondent was found to have two patient records which did not meet the minimum standards of recordkeeping as required by 201 KAR 21:100; and

WHEREAS, the Respondent advertised treatment of conditions outside of the scope of practice outlined by KRS 312.015 and KRS 312.017, listed a medical doctor on his facility sign and made claims regarding the Pro-Adjuster equipment which could not be substantiated in violation of KRS 312.150 (1)(d)(f)(g), 201 KAR 015 Section 1 (6) and 201 KAR 21:065 Section 2;

WHEREAS, the parties mutually desire to settle the issue 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, Bing G. Crosby, D.C., accepts the reprimand of the Board for the above-stated violations. The Respondent agrees to act more diligently in the future to insure that he complies with KRS Chapter 312 and the accompanying administrative regulations; and

√3) The Respondent shall complete an additional five (5) hours of continuing education within nine (9) months of the entry of this Agreed Order as signified by the date of the Board Chair's Signature. These five hours shall include the Board's two-hour√ Jurisprudence Course in Glasgow, KY and three hours in documentation and coding; and

4) The Respondent, shall pay investigative costs to the board in the amount of seventeen-hundred-fifty dollars (\$1,750.00). Said cost reimbursement shall be made payable to the "Kentucky Board of Chiropractic Examiners." This amount shall be paid in four installments: Five-hundred dollars (~~\$500~~) shall be received at the Board Office on or before February 28, 2013; Five-hundred dollars (~~\$500~~) shall be received at the Board Office on or before April 30, 2013; Five-hundred dollars (~~\$500~~) shall be received at the Board Office on or before June 30, 2013; Two-hundred-fifty dollars (~~\$250~~) shall be received at the Board Office on or before August 30, 2012; and

5) The Respondent, Bing G. Crosby, D.C., shall pay fines to the Board in the amount of one-thousand dollars (\$1,000.00) which amount shall be fully probated for a period of one year from the entry of this Agreed Order as signified by the date of the Board Chair's signature. This amount shall be payable if and only if the Respondent violates KRS 312 within that period and is subsequently convicted pursuant to the procedures outlined in KRS 13B;" and

6) The Respondent acknowledges that he is ineligible for participation in any chiropractic preceptorship program for three (3) years pursuant to 201 KAR 21:085, Section 2(7); and

7) The Respondent, Bing G. Crosby, 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. A check returned for insufficient funds shall constitute non-

compliance with this agreement. Further, his failure to comply shall be considered an independent violation of KRS 312.

Voluntary Waiver of Rights

The Respondent, Bing G. Crosby, 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.

Procedure for Approval

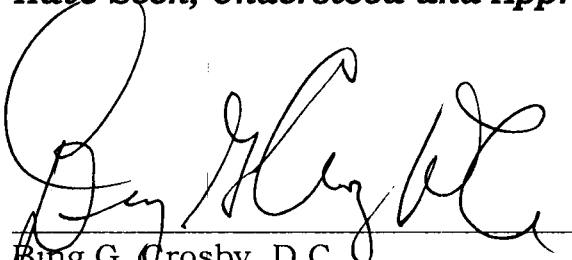
This Agreed Order shall be considered a "recommended order" to the Board. It shall not be final and binding upon the Board until such time as it is approved by the Board. The Agreed Order shall be presented to the Board for approval at its next scheduled meeting. The Respondent agrees that he shall not withdraw his consent to this agreement before or at that time.

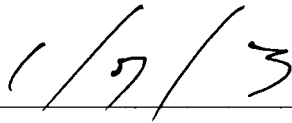
Complete Agreement


This Settlement Agreement consists of five (5) pages exclusive of the certificate of service and embodies the entire agreement between the Kentucky Board of Chiropractic Examiners and Bing G. Crosby, D.C.. It may not be

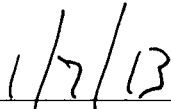
altered, amended or modified without the express written consent of both parties.

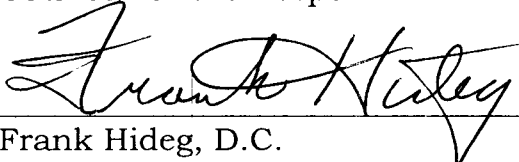
Have Seen, Understood and Approved:

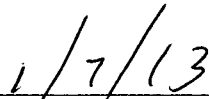

Bing G. Crosby, D.C.
License No. 3133-R
Respondent


Date

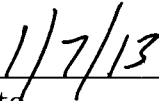

James Grohmann
Counsel for the Respondent


Date


Frank Hideg, D.C.
*Kentucky Board of Chiropractic
Examiners*


Date


Michael West
Counsel for the Board


Date

Certificate of Service

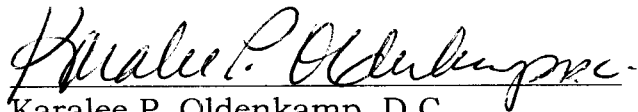
I hereby certify that a true and correct copy of the foregoing **Agreed Order** was mailed via U.S. mail, postage pre-paid to the following this 22nd day of January, 2013:

Bing G. Crosby, D.C.
4508 Outer Loop
Louisville, KY 40219
Respondent

James Grohmann
O'Bryan, Brown, & Toner
1500 Starks Building
455 South Fourth Street
Louisville, KY 40202
Counsel for the 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

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

**IN RE: CHIROPRACTIC LICENSE # 3133-R
 HELD BY Bing G. Crosby, D.C.
 ADMINISTRATIVE CASE # 12-KBCE-0272**


FINAL ORDER ADOPTING MEDIATED AGREED ORDER

The Kentucky Board of Chiropractic Examiners, having met and having voted on and approved the terms and conditions contained in the attached document, hereby adopt and incorporate the attached Agreed Order which was the result of a mediation held on January 7, 2013.

The referenced Agreed Order finally resolves this action.

Be it so ordered.

Dated this 19th day of January, 2013.



Mark Woodward, D.C.
Board Chair

01/17/13

Date

Certificate of Service

I hereby certify that a true and correct copy of the foregoing **Final Order and Agreed Order** was mailed via U.S. mail, postage pre-paid to the following this 22 day of January, 2013:

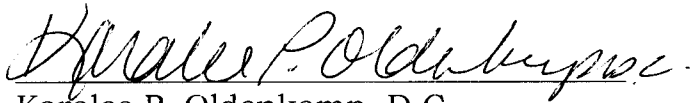
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Louisville, KY 40219
Respondent

James Grohmann
O'Bryan, Brown, & Toner
1500 Starks Building
455 South Fourth Street
Louisville, KY 40202
Counsel for the Respondent

Michael West
Office of the Attorney General
700 Capitol Ave., Ste. 118
Frankfort KY 40601
Board Counsel

Stuart Cobb, Hearing Officer
Susan Durant, Mediator
Office of the Attorney General
1024 Capital Center Drive Suite 200
Frankfort, KY 40601-8204

And the original shall be maintained by the Board


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