

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

**IN RE: CHIROPRACTIC LICENSE # 5307
 HELD BY Donald R. Miller, D.C.
 ADMINISTRATIVE CASES #12A-008,13-001,13-005,13-017**

Donald R. Miller, D.C.
811 Corporate Drive
Lexington, KY 40503

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 Donald R. 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 Board filed administrative cases 12A-008, 13-001, 13-005, 13-017 for various infractions in violation of KRS Chapter 312 ; and

WHEREAS, the parties mutually desire to resolve these administrative cases, 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;

2) The Respondent, Donald R. Miller, D.C., accepts the reprimand of the Board for the above-stated violations. Respondent admits no wrongdoing, but agrees that the Board presented sufficient evidence to possibly prevail at an administrative hearing. Respondent agrees to act more diligently in the future to insure he complies with KRS Chapter 312 and the accompanying administrative regulations;

3) The Respondent, Donald R. Miller, D.C., agrees to pay the Board a fine in the amount of \$15,000 for various violations involving the advertising and billing practices of his office within 12 months of the entry of the Agreed Order;

4) The Respondent agrees to cease and desist his practice of taking money from patients prior to actual services being rendered;

5) The Respondent agrees to a suspension of his license to practice chiropractic for thirty (30) days, however the suspension shall be probated for a period of eighteen(18) months. The probated suspension shall be served if and only if the Respondent violates KRS 312 or 201 KAR Chapter 21 within the probationary period and is convicted by the Board of that violation pursuant to the processes outlined in 201 KAR 21:051 and KRS Chapter 13B;

6) The Respondent agrees that he shall no longer reference any

portion of his practice as “functional medicine”; and

7) The Respondent agrees to submit his advertising templates to the Board for pre-approval before publishing.

8) The Respondent understands that this Agreement may serve as the basis of enhancement for any future disciplinary action; and

9) The Respondent, Donald R. Miller, D.C., agrees that the failure to comply with any of the terms and conditions of this Agreed Order shall constitute a violation of KRS 312 and result in the Board setting the matter for an administrative hearing in accord with KRS Chapter 13B.

Voluntary Waiver of Rights

The Respondent, Donald R. 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 Agreed Order consists of four (4) pages and embodies the entire agreement between the Kentucky Board of Chiropractic Examiners and Donald

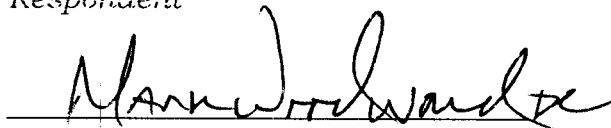
R. Miller, D.C.. It may not be altered, amended or modified without the express written consent of both parties.

Have Seen, Understood and Approved:



Donald R. Miller, D.C.
License No. 5307
Respondent

9-17-14
Date



MARK WOODWARD, D.C.
President
Kentucky Board of Chiropractic
Examiners

09-22-14
Date

Certificate of Service

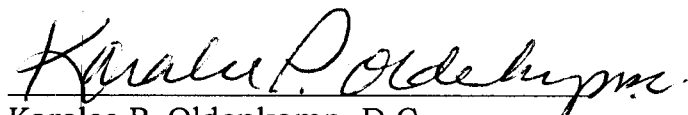
I hereby certify that a true and correct copy of the foregoing **Agreed Order** was mailed via U.S. mail, postage pre-paid to the following this 26th day of September, 2014:

Donald R. Miller, D.C.
811 Corporate Drive
Lexington, KY 40503
Respondent

Hon. Ryan Schwartz
Sherrow, Sutherland,
& Associates, P.S.C.
200 Southland Drive
Lexington, KY 40503
Counsel for Respondent

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

And the original shall be maintained by the Board.


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