

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

**IN RE:           CHIROPRACTIC LICENSE # 4418 HELD BY  
                  KEVIN M. WELLS, D.C.**

KEVIN M. WELLS, D.C.  
8302 Preston Hwy.  
Louisville KY 40219

**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 Kevin M. Wells, D.C., hereinafter referred to as the "Respondent."

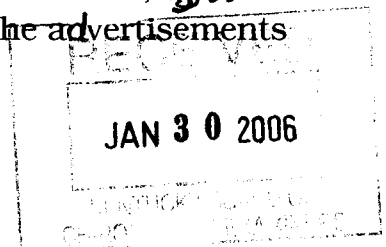
***Jurisdiction***

**WHEREAS**, the Board has jurisdiction over this matter pursuant to KRS Chapter 312 and the related administrative regulations.

***History***

**WHEREAS**, the Respondent advertised "no out of pocket expenses" for accident victims in an advertisement in the Bell South Yellow Pages in Louisville, in violation of KRS 312.150(2)(f), 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); and

**WHEREAS**, the Respondent failed to send a copy of the written advertisement to the Board simultaneous to publication of the advertisements as required by 201 KAR 21:065, Section 3; and



**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;

2) The Respondent, Kevin M. Wells, D.C., 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, complies with KRS Chapter 312 and the accompanying administrative regulations;

3) The Respondent shall notify all consumers known to him 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). A copy of the notification to all consumers who responded to the advertisement shall be mailed to the board *on or before November 2, 2005*;

4) The Respondent, Kevin M. Wells, D.C., shall post a notice in a conspicuous place in his chiropractic office notifying all patients that the ad in the Louisville Bell South Yellow Pages contained an error regarding the promise of "no out of pocket expenses," which is in violation of KRS 312.150(2)(f). A

copy of said notice shall accompany this signed Agreed Order when returned to the offices of the Board;

5) The Respondent, Kevin M. Wells, D.C., shall pay a fine to the board in the amount of five hundred dollars (\$500.00) by certified check or money order. Said fine shall be made payable to the "Kentucky State Treasurer."

6) The original, executed Agreed Order and fine must be received in the office of the board, *postmarked no later than November 2, 2005*;

7) The board shall make no referral of this matter for any criminal proceeding;

8) The Respondent acknowledges that he is ineligible for participation in any chiropractic preceptorship program for five (5) years pursuant to 201 KAR 21:085, Section 2(7); and

9) The Respondent, Kevin M. Wells, D.C., agrees that his 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.

### ***Voluntary Waiver of Rights***

The Respondent, Kevin M. Wells, 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***

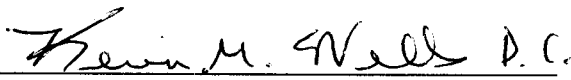
The Respondent acknowledges that, once adopted by the Board, this

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.

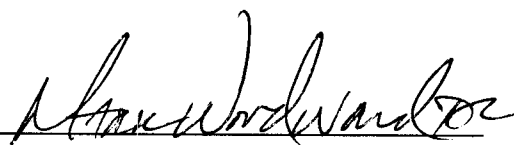
**Complete Agreement**

This Settlement Agreement consists of four (4) pages and embodies the entire agreement between the Kentucky Board of Chiropractic Examiners and Kevin M. Wells, D.C. It may not be altered, amended or modified without the express written consent of both parties.

**Have Seen, Understood and Approved:**

  
\_\_\_\_\_  
KEVIN M. WELLS, D.C.  
License No. 4418  
*Respondent*

1-10-06  
\_\_\_\_\_  
Date

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

01/31/06  
\_\_\_\_\_  
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 2nd day of February, 2006

KEVIN M. WELLS, D.C.  
3101 Hidden Valley Circle  
Punta Gorda, FL 33982

HON. DIANE SCHULER FLEMING  
Office of the Attorney General  
700 Capitol Ave., Ste 118  
Frankfort, KY 40601  
*Board Counsel*

And the original shall be maintained by the Board



Beverley K. White  
Board Administrator  
Kentucky Board of Chiropractic Examiners