

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS
BOARD ACTION NO. 10-KBCE-078
ADMINISTRATIVE ACTION NO. 10-KBCE-0275

*Pd. \$ 3,500.-
CHK # 1258*

IN RE: **CHIROPRACTIC LICENSE # 4110**
 HELD BY Brian Johnson, D.C.
 Case #09-0778

Brian W. Johnson, D.C.
4525 Bells Lane #105
Cincinnati, OH 45245

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 Brian W. Johnson, 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 August 20, 2010, the Board filed an administrative complaint against the Respondent alleging violation of KRS 312.150(g), KRS 312.018(1), and 201 KAR 21:060(2)(5);

WHEREAS, at the time of the alleged violation, the Respondent's license was held in inactive status;

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 admits that he failed to register his facility as a “clinic” and, in so doing, violated KRS 312.150(1)(g) and 201 KAR 21:060(2)(5). The Respondent admits that he referred to himself as a “physician” and, in so doing, violated KRS 312.150(1)(g) and 201 KAR 21:065(2)(1)(e); and
- 3) The Respondent shall pay a fine to the board in the amount of three thousand and five hundred dollars (\$3,500). This fine shall be paid by money order or cashier’s check made payable to the “Kentucky Board of Chiropractic Examiners.” The fine shall be paid in full such that it is received by the Board at the time when the signed Agreed Order is tendered; 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) 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 the jurisprudence course offered by the Board, with proof submitted to the Board; and
- 6) The Respondent agrees that he shall refrain from acting as a preceptor for a period

of 2 years from the entry of this Agreed Order; and

7) The Respondent agrees that he shall refrain from the ownership or operation of a chiropractic clinic or facility within the Commonwealth of Kentucky until such time as he has established an active license to practice chiropractic; and

8) The Respondent acknowledges that the aforementioned terms constitute discipline for the stated violations and, compliance with those terms, in addition to compliance with the regular requirements for inactive licensure, shall result in his maintenance of an "inactive" license. In addition to the terms set forth in numerical paragraphs 1-7, the Respondent shall complete the following requirements in order to achieve "active" status:

- a. The Respondent shall complete twelve hours of continuing education, including six hours to be completed within the Commonwealth of Kentucky; and
- b. The Respondent shall pay a \$200 restoration fee and a \$250 license fee to the Board. These fees are the regular fees associated with activation and these fees shall not be reduced by the aforementioned fine; and
- c. The Respondent shall complete the HIV/AIDS training course required of all licensees; and
- d. Any and all other additional requirements regularly required for license activation pursuant to KRS 312 and the associated regulations.

9) The Respondent agrees that his failure to comply with any of the terms and conditions of this Agreed Order shall result in an independent violation of KRS 312.150 for which he may be disciplined by the Board. 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.

10) This Agreement shall constitute the final resolution of the charges listed in the Complaint and Notice of Hearing filed by the Board on August 20, 2010.

Voluntary Waiver of Rights

The Respondent, Brian Johnson, 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. The Respondent waives his right to appeal to the Circuit Court from this final order of the Board.

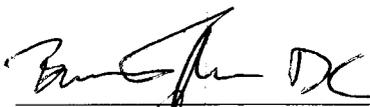
Publication of Settlement Agreement

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.

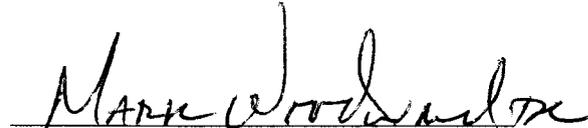
Complete Agreement

This Settlement Agreement consists of five (5) pages, inclusive of the certificate of service and embodies the entire agreement between the Kentucky Board of Chiropractic Examiners and Brian Johnson D.C. It may not be altered, amended or modified without the express written consent of both parties.

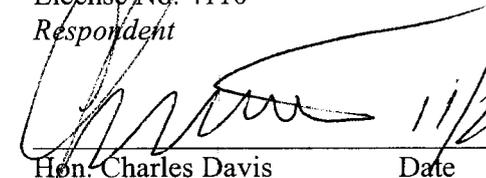
Have Seen, Understood and Approved:

 DC 11/19

Brian Johnson D.C. Date
License No. 4110
Respondent

 DC 11/30/10

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

 11/22/10

Hon. Charles Davis Date
Counsel for the Respondent

Certificate of Service

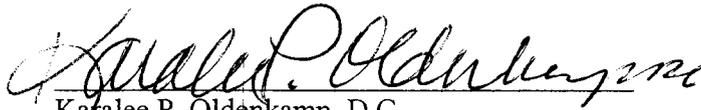
I hereby certify that a true and correct copy of the foregoing **Agreed Order** was mailed via U.S. mail, postage pre-paid to the following this 3rd day of December, 2010:

Brian W. Johnson, D.C.
4525 Bells Lane #105
Cincinnati, OH 45245
Respondent

Charles Davis
205 West Fourth Street, Suite 1280
Cincinnati, OH 45202
Attorney for 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.
Executive Director
Kentucky Board of Chiropractic Examiners