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TBCE 2015-026

IN THE MATTER OF
Mary Perry, D.C.
LICENSE NO. 6715

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BEFORE THE
TEXAS BOARD OF
CHIROPRACTIC EXAMINERS

AGREED FINAL ORDER

On this 20 day of August, 2015, the Texas Board of Chiropractic Examiners ("Board") considered the matter of the license of Mary Perry, D.C., Respondent.

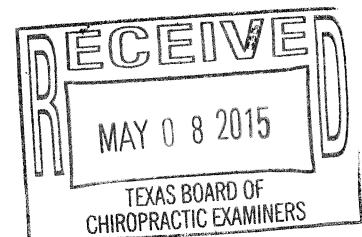
This agreed order is executed pursuant to the authority of the Administrative Procedure Act (APA), Texas Government Code §2001.056, which authorizes the informal disposition of contested cases. In a desire to conclude this matter without further delay and expense, the Board and Respondent agree to resolve this matter by this Agreed Final Order. The Respondent agrees to this order for the purpose of resolving this proceeding only and without admitting or denying the findings of fact and conclusions of law set out in this order.

Upon recommendation of the Enforcement Committee, the Board makes the following findings of fact and conclusions of law and enters this order:

FINDINGS OF FACT

1. Mary Perry, D.C., Respondent, is a chiropractor licensed by the Board to practice chiropractic in the State of Texas and is therefore subject to the jurisdiction of the Board; the Chiropractic Act, Texas Occupations Code, Chapter 201; and the Board's rules, Texas Administrative Code, Title 22, §§71.1-79.11.
2. On or about October 4, 2014, Respondent adjusted a dog named "Zoie" in her clinic, this was the third time.
3. On or about October 6, 2014, Respondent was advertising that "you can help your beloved dog, cat, or horse regain and maintain its health with adjustment care."

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4. On April 14, 2015, the Board's Enforcement Committee met and voted to recommend imposition of an administrative penalty of a Letter of Reprimand and a penalty of \$1,000, as authorized by the Chiropractic Act, TEX. OCC. CODE §201.551, and 22 TEX. ADMIN. CODE §78.9(c), for advertising and practicing outside of scope of chiropractic.

CONCLUSIONS OF LAW

1. Mary Perry, D.C., Respondent, is subject to the jurisdiction of the Board and is required to comply with the Chiropractic Act and the Board's rules.
2. By advertising and practicing outside of scope of chiropractic, Respondent violated Board rule 22 TEX. ADMIN. CODE §77.2(b) (and §78.13(b)(1)(A):

§77.2. PUBLICITY. (b) In any form of public communication, a licensee or facility shall not describe services that are inconsistent with the practice of chiropractic.

§78.13. SCOPE OF PRACTICE. (b) Aspects of Practice. (1) A person practices chiropractic if they: (A) use objective or subjective means to analyze, examine, or evaluate the biomechanical condition of the spine and musculoskeletal system of the human body.

3. On a determination that a person has violated the Chiropractic Act or Board rules, the Board is authorized pursuant to §201.501 of the Chiropractic Act to revoke or suspend the person's license, place on probation a person whose license has been suspended, reprimand a license holder, or impose an administrative penalty against the license holder.

NOW THEREFORE, it is the ORDER of the Texas Board of Chiropractic Examiners that:

- 1, Mary Perry, D.C., Respondent, shall:
 - a. pay an administrative penalty of \$1,000; and
 - b. receive a Letter of Reprimand; and

- c. comply with all provisions of the Chiropractic Act and the Board's rules in the future, or subject herself to further disciplinary action by the Board, including the possible revocation of her license to practice chiropractic.
2. Upon receipt by the Board and signature of the Executive Director, the Agreed Final Order shall become immediately effective.

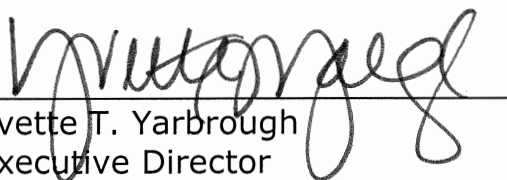
By signing this Agreed Final Order, Respondent:

1. Agrees to its terms, acknowledges her understanding of it, and agrees that she will satisfactorily comply with the mandates of this Agreed Order or be subject to appropriate disciplinary action by the Board; and
2. Waives her rights to a formal hearing and any right to judicial review of this Order.

I, Mary Perry, D.C., HAVE READ AND UNDERSTAND THE FOREGOING AGREED FINAL ORDER. I UNDERSTAND THAT BY SIGNING THIS AGREED FINAL ORDER, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WILLINGLY, AND KNOWINGLY. I UNDERSTAND THIS AGREED FINAL ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, ORAL, WRITTEN, OR OTHERWISE. I SIGN IT VOLUNTARILY, WILLINGLY AND KNOWINGLY.

 DATE: 5-6-15
Mary Perry, D.C.
License No. 6715

Approved by the Texas Board of Chiropractic Examiners on this 20 day of August, 2015.


Yvette T. Yarbrough
Executive Director
Texas Board of Chiropractic Examiners
333 Guadalupe
Tower III, Ste. 3-825
Austin, TX 78701