

1 website, "beyoubewell.com," and related links herein after ("website"). On or about
2 August 12, 2010, the Board opened a complaint against Respondent's license based on
3 the content of Respondent's website for alleged patient endangerment, advertising that
4 may be false or misleading, claiming professional superiority, and failure to use the
5 initials "D.C." following her name.

6 3. Respondent failed to use the initials "D.C." after her name and failed to
7 designate chiropractic on her website.

8 4. Respondent states in her website, "When your child has symptoms, instead of
9 giving them antibiotics or over the counter drugs, give your child's body the chance to
10 heal itself with the assistance of chiropractic care. Your child's immune system is
11 perfectly capable of doing the same thing an antibiotic would, without the negative side
12 effects and without killing the good bacteria that our bodies require, all while providing
13 them with longer lasting immunity. Medications inhibit the processes in the body that are
14 necessary for health." Respondent also claims in her website, in a section entitled,
15 "Vaccinations" that "Long term, adverse effects from interfering with this process with
16 artificial immunizations are just being uncovered."

17 5. Respondent asserts in her website that she is a Licensed Facilitator of Access
18 Energy Transformation ("Access") and is certified in the Webster Technique/Intrauterine
19 Constraint.

20 6. Respondent misrepresents in her website the use and superiority of breast
21 thermography, misrepresents the benefits of "being interference free" in labor and
22 delivery, misrepresents the effectiveness of chiropractic treatment, misrepresents the
23 benefits of inversion, and misrepresents the effectiveness of Access.

24 7. Respondent asserts in her website professional superiority in the chiropractic
25 treatment of childhood illnesses and the use of chiropractic during labor.

26 8. Respondent advertises in her website in a false or misleading manner by
claiming her treatment is superior, by employing the use of scare tactics, and her
reference to medical and chiropractic studies without specific and proper citations to the

1 sources of the alleged studies.

2 9. Respondent advertises in her website in a misleading manner, that is contrary
3 to recognized chiropractic standards by claiming, "EVERYTHING, The impossible
4 becomes possible . . . and every second of life is soo orgasmical, it's like biting into a
5 piece of chocolate ... mmmmmm yumminess! Yes, your whole life can be yummy too!"

6 10. On or about January 1, 2011, Respondent failed to renew her chiropractic
7 license with the Board. On or about January 11, 2011, the Board notified Respondent, by
8 certified and regular mail, that her chiropractic license was administratively suspended
9 for failure to file a renewal application. Respondent failed to respond to the Board's
10 notice. To date her chiropractic license remains administratively suspended.

11 11. On or about January 31, 2011, Respondent sent out an email solicitation to
12 ten different entities marketing herself to work for them by performing thermographs to
13 screen for nerve and circulatory problems in personal injury cases. In the email,
14 Respondent describes herself as, "Dr. Shelly Childers" an owner and Certified
15 Thermographic Technician of BTI of Scottsdale. Respondent failed to use the initials
16 "D.C." after her name or identify the practice of chiropractic in the correspondence.

17 12. On or about February 7, 2011, the National Insurance Crime Bureau
18 forwarded information to the Board regarding Respondent's solicitation to Progressive
19 Insurance Company where she used the title "Dr." without identifying herself as a
20 chiropractor and while her Arizona chiropractic license was administratively suspended.

21 13. On or about August 26, 2011, the Board issued a subpoena to Respondent to
22 appear and testify at the September 15, 2011, Board Meeting. The subpoena was sent to
23 Respondent's address of record with the Board by certified mail. On September 1, 2011,
24 the certified mail documents were returned to the Board with the notation, "Return to
25 sender, not deliverable as addressed, unable to forward."

26 14. On or about August 31, 2011, the Board sent a letter by certified mail to
Respondent's address of record with the Board, advising her that her case that had been
scheduled to be heard at the September 15, 2011, Board meeting had been postponed to

1 the October 13, 2011, Board meeting. On or about September 8, 2011, the certified letter
2 was returned to the Board with the notation, "Return to sender, attempted not known,
3 unable to forward." Respondent failed to attend the October 13, 2011, Board meeting in
4 violation of the Board's subpoena.

5 15. On or about September 26, 2011, after correspondence was returned to the
6 Board as undeliverable, the Board notified Respondent by letter that she had failed to
7 notify the Board of any changes in her residence or office address and telephone number
8 within thirty days after the change as required by A.R.S. § 32-923(A). The Board
9 imposed a \$50.00 penalty for failure to comply with the statute. The Board again notified
10 Respondent regarding the October 13, 2011 Board Meeting. To date, Respondent has
11 failed to pay the penalty or advise the Board of her current addresses and telephone
12 number.

13 16. Respondent failed to notify the Board with written notice about how to access
14 her patient records by providing, at a minimum, the physical address, telephone number
15 and full name of a person who could be contacted regarding where the records are
16 maintained as required by A.A.C. R4-7-902(6).

17 CONCLUSIONS OF LAW

18 1. The conduct and circumstances described above in paragraph 10 Findings
19 of Fact constitutes a violation of A.R.S. § 32-924(A)(16), "Violating or attempting to
20 violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to
21 violate any of the provisions of this chapter or any board order." and A.R.S. § 32-
22 924(A)(5), "unprofessional or dishonorable conduct of a character likely to deceive or
23 defraud the public or tending to discredit the profession," specifically, but not limited to
24 her violations of A.A.C. R4-7-902(36), "violating any federal or state statute, rule, or
25 regulation applicable to the practice of chiropractic."; A.A.C. R4-7-902 (37), "Any act or
26 omission identified in A.R.S. § 32-924." and A.R.S. § 32-923(B)&(C), failing to file a
timely renewal application and having her license suspended for failing to file a timely

1 renewal. Respondent's actions, described above, provides the Board with sufficient
2 factual basis to suspend or revoke Respondent's chiropractic license pursuant to A.R.S. §
3 32-924(G).

4 2. The conduct and circumstances described above in paragraphs 11 and 12 in
5 the Findings of Fact constitute a violation of A.R.S. § 32-924(A)(5), "unprofessional or
6 dishonorable conduct of a character likely to deceive or defraud the public or tending to
7 discredit the profession," specifically, but not limited to her violations of A.A.C. R4-7-
8 902(36), "violating any federal or state statute, rule, or regulation applicable to the
9 practice of chiropractic."; A.A.C. R4-7-902 (37), "Any act or omission identified in
10 A.R.S. § 32-924."; A.R.S. § 32-926; and A.R.S. § 32-923(B),(C), failing to file a timely
11 renewal application to practice chiropractic in the state of Arizona and having her license
12 suspended for failing to file a timely renewal. Respondent's actions, described above,
13 provides the Board with sufficient factual basis to suspend or revoke Respondent's
14 chiropractic license pursuant to A.R.S. § 32-924(G).

15 3. The conduct and circumstances described above in paragraphs 13-15 in the
16 Findings of Fact constitute a violation of A.R.S. § 32-924(A)(16), "Violating or
17 attempting to violate, directly or indirectly, or assisting in or abetting the violation of or
18 conspiring to violate any of the provisions of this chapter or any board order." and A.R.S.
19 § 32-924(A)(5), "unprofessional or dishonorable conduct of a character likely to deceive
20 or defraud the public or tending to discredit the profession," specifically, but not limited
21 to her violations of A.A.C. R4-7-902(36), "violating any federal or state statute, rule, or
22 regulation applicable to the practice of chiropractic."; A.A.C. R4-7-902 (37), "Any act or
23 omission identified in A.R.S. § 32-924."; and A.R.S. § 32-923(A), "Every person
24 licensed pursuant to this chapter shall notify the board in writing of any change in
25 residence or office address and telephone number within thirty days after that change.
26 The board shall impose a penalty of fifty dollars on a licensee who does not notify the
board as required by this subsection."

1 4. The conduct and circumstances described above in paragraphs 13-15 in the
2 Findings of Fact constitute a violation of A.R.S. § 32-924(A)(16), “violating or attempting
3 to violate, directly or indirectly, or assisting in or abetting in the violation of or
4 conspiring to violate any of the provisions of this chapter or any board order,” and A.R.S.
5 § 32-924(A)(5), “unprofessional or dishonorable conduct of a character likely to deceive
6 or defraud the public or tending to discredit the profession,” specifically, but not limited
7 to her violations of A.A.C. R4-7-902(14) for failing to comply with the Board’s
8 subpoena. Respondent’s actions, described above, provides the Board with sufficient
9 factual basis to suspend or revoke Respondent’s chiropractic license pursuant to A.R.S. §
10 32-924(G).

11 5. The conduct and circumstances described above in paragraph 16 in the
12 Findings of Fact constitutes a violation of A.R.S. § 32-924(A)(5), “unprofessional or
13 dishonorable conduct of a character likely to deceive or defraud the public or tending to
14 discredit the profession,” but not limited to her violations of A.A.C. R4-7-902(6) for
15 failing to notify the Board of the location and contact information of her patient records.
16 Respondent’s actions, described above, provides the Board with sufficient factual basis
17 to suspend or revoke Respondent’s chiropractic license pursuant to A.R.S. § 32-924(G).

18 6. The conduct and circumstances described above in paragraph 2-9 in the
19 Findings of Fact constitute a violation of A.R.S. § 32-924(A)(13), “Advertising in a false,
20 deceptive or misleading manner.” Respondent’s actions, described above, provides the
21 Board with sufficient factual basis to suspend or revoke Respondent’s chiropractic
22 license pursuant to A.R.S. § 32-924(G).

23 7. The conduct and circumstances described above in paragraphs 3, 11-12 in
24 the Findings of Fact constitute a violation of A.R.S. § 32-924(A)(17), “Failing to sign the
25 physician’s name, wherever required, in any capacity as ‘chiropractic,’ ‘chiropractic
26 doctor,’ ‘chiropractic physician or ‘ doctor of chiropractic’ or failing to use and affix the
initials ‘D.C.’ after the physician’s name” and A.R.S. § 32-924(A)(18), “Failing to place
or cause to be placed the word or words, ‘chiropractic’, ‘chiropractor’, ‘chiropractic

1 doctor', chiropractic physician' in any sign or advertising media." Respondent's actions,
2 described above, provides the Board with sufficient factual basis to suspend or revoke
3 Respondent's chiropractic license pursuant to A.R.S. § 32-924(G).

4 8. The conduct and circumstances described above in paragraph 5 in the
5 Findings of Fact constitutes a violation of A.R.S. § 32-924(A)(5), "unprofessional or
6 dishonorable conduct of a character likely to deceive or defraud the public or tending to
7 discredit the profession," specifically, but not limited to her violations of A.A.C. R4-7-
8 902(8) "Representing that the licensee is certified by this Board in a specialty area in
9 which the licensee is not certified or has academic or professional credentials that the
10 licensee does not have." Respondent's actions, described above, provides the Board with
11 sufficient factual basis to suspend or revoke Respondent's chiropractic license pursuant
12 to A.R.S. § 32-924(G).

13 9. The conduct and circumstances described above in paragraphs 4, 6-9 in the
14 Findings of Fact constitute a violation of A.R.S. § 32-924(A)(5), "unprofessional or
15 dishonorable conduct of a character likely to deceive or defraud the public or tending to
16 discredit the profession," specifically, but not limited to her violations of A.A.C. R4-7-
17 902(26), "Claiming professional superiority in the practice of chiropractic under A.R.S. §
18 32-925." Respondent's actions, described above, provides the Board with sufficient
19 factual basis to suspend or revoke Respondent's chiropractic license pursuant to A.R.S. §
20 32-924(G).

21 10. The conduct and circumstances described above in paragraphs 2-16 in the
22 Findings of Fact constitute a violation of A.R.S. § 32-924(A)(15), "Any conduct or
23 practice contrary to recognized standards in chiropractic or any conduct or practice that
24 constitutes a danger to the health, welfare or safety of the patient or the public or any
25 conduct, practice or condition that impairs the ability of the licensee to safely and
26 skillfully practice chiropractic." Respondent's actions, described above, provides the
Board with sufficient factual basis to suspend or revoke Respondent's chiropractic
license pursuant to A.R.S. § 32-924(G).

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ORDER

Based upon the above Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED:**

1. Chiropractic License No. 7991, issued to Respondent to practice chiropractic in the State of Arizona, is **Revoked**.

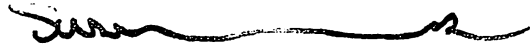
2. **IT IS FURTHER ORDERED** that Respondent reimburse the Board for all costs associated with the investigation and the formal hearing in this matter, to be paid within ninety (90) days following service of an invoice to Respondent's address of record.

3. This Order shall become effective as of the date stated below.

DATED this 2 day of July, 2012.

ARIZONA STATE BOARD OF
CHIROPRACTIC EXAMINERS

[S E A L]



By _____
Susan Wenberg, D.C., Chair
Arizona State Board of
Chiropractic Examiners

NOTICE: This Order constitutes a formal decision and order of the Board. If the Respondent desires to challenge the Order, Respondent shall file a written motion for rehearing with the Board's Executive Director within thirty-five (35) days after service of the Order. Service of the Order is effective on the date of mailing to Respondent. Under A.A.C. R4-7-305(C), the motion for rehearing must state with specificity the grounds for rehearing. Failure to file a motion for rehearing or review has the effect of prohibiting judicial review of the Board's Order, according to A.R.S. § 41-1092.09 (B) and A.R.S. § 12-904 et seq.

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COPY of the foregoing mailed by
U.S. Certified mail (return receipt requested)
this 2 day of July, 2012

Certificate No. 7011350000029764, to:
8986

Shelly Childers D.C.
10751 N. Frank Lloyd Wright Blvd., Suite 105
Scottsdale, AZ 85259 70113500000297648993
Respondent

11545 N. Frank Lloyd Wright Blvd., #1143
Scottsdale, AZ 85259

COPY of the foregoing mailed
this 2 day of July, 2011 to:

Mona Baskin
Assistant Attorney General
1275 W. Washington, CIV/LES
Phoenix, Arizona 85007
Attorney for the State

Chris Munns
Assistant Attorney General
Solicitor General's Section
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Board Operations