

# Texas Board of Chiropractic Examiners

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TBCE 111-194

IN THE MATTER OF § BEFORE THE  
Randall Johns, D.C. §  
§ TEXAS BOARD OF  
§  
LICENSE NO. 9359 § CHIROPRACTIC EXAMINERS

## AGREED FINAL ORDER

On this 15<sup>th</sup> day of August, 2013, the Texas Board of Chiropractic Examiners ("Board") considered the matter of the license of Randall Johns, 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. Randall Johns, 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, §§ 71.1-80.7.
2. On or about June 10, 2010, Complainant went to Respondent's office for treatment of shoulder and neck pain. Complainant was told that his treatment program would cost a total of \$2,675.00 which Complainant was required to pay immediately. After not being reimbursed by insurance as Respondent had represented Complainant discontinued treatments but was not reimbursed for treatments charged for and not received.
3. The Board staff requested Respondent supply patient care documentation which was not supplied as requested.
4. On July 10, 2012, the Board's Enforcement Committee met and voted to recommend imposition of an administrative penalty of \$1,000, as authorized by the Chiropractic Act, TEX. OCC. CODE § 201.551, and 22 TEX. ADMIN. CODE § 75.10(c), for billing for services not rendered and for lack of diligence; and payment of restitution to the Complainant in the amount of \$590.00.



## CONCLUSIONS OF LAW

1. Randall Johns, 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 for billing for services not rendered and for lack of diligence, Respondent violated the Board rule, 22 TEX. ADMIN. CODE § 75.1(a)(4 & 5) and § 75.2(a):

§ 75.1(a) Grossly unprofessional conduct when applied to a licensee or chiropractic facility includes, but is not limited to the following: (4) exploiting patients through the fraudulent use of chiropractic services which result or are intended to result in financial gain for a licensee or a third party. The rendering of chiropractic services becomes fraudulent when the services rendered or goods or appliances sold by a chiropractor to a patient are clearly excessive to the justified needs of the patient as determined by accepted standards of the chiropractic profession; (5) submitting a claim for chiropractic services, goods or appliances to a patient or a third-party payer which contains charges for services not actually rendered or goods or appliances not actually sold.

§ 75.2(a) A lack of proper diligence in the practice of chiropractic or the gross inefficient practice of chiropractic when applied to a licensee or chiropractic facility.

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.

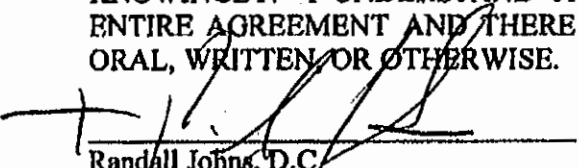
NOW THEREFORE, it is the ORDER of the Texas Board of Chiropractic Examiners that:

1. Randall Johns, D.C., Respondent, shall:
  - a. pay an administrative penalty of \$1,000.00 within thirty days, running from the date the Board approves this Agreed Final Order;
  - b. make restitution to the Complainant in the amount of \$590.00 within thirty days, running from the date the Board approves this Agreed Final Order; and
  - c. comply with all provisions of the Chiropractic Act and the Board's rules in the future, or subject himself to further disciplinary action by the Board, including the possible revocation of his license to practice chiropractic.
2. Upon approval by the Board, the President of the Board (or Chair of the Enforcement Committee) and the Executive Director are authorized to sign this order on behalf of the Board.

By signing this Agreed Final Order, Respondent:

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

I, Randall Johns, 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.

  
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Randall Johns, D.C.  
License No. 9359

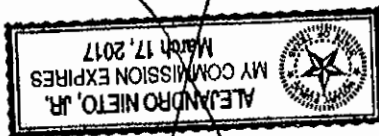
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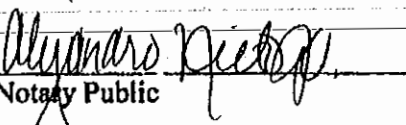
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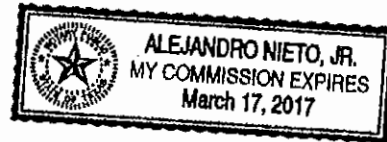
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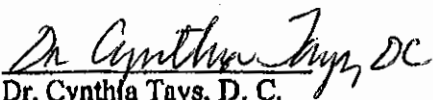
Before me, the undersigned notary public, on this 2<sup>nd</sup> day of August, 2013, personally appeared Randall Johns, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

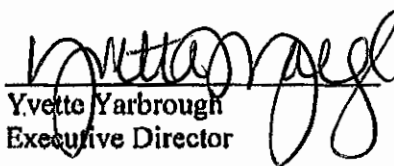


  
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Notary Public



Approved by a majority of the Texas Board of Chiropractic Examiners on this the  
15<sup>th</sup> day of AUGUST, 2013

  
Dr. Cynthia Tays, D. C.  
President  
Texas Board of Chiropractic Examiners  
333 Guadalupe  
Tower III, Ste. 3-825  
Austin, TX 78701

  
Yvette Yarbrough  
Executive Director