

Texas Board of Chiropractic Examiners

333 Guadalupe, Suite 3-825
Austin, Texas 78701-3942
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Facsimile (512) 305-6705

TBCE 2014-013

IN THE MATTER OF

John Madden D.C.

LICENSE NO. 10046

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§
§

BEFORE THE

TEXAS BOARD OF

CHIROPRACTIC EXAMINERS

AGREED FINAL ORDER

On this 22 day of May, 2014, the Texas Board of Chiropractic Examiners ("Board") considered the matter of the license of John Madden 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. John Madden 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 August 25, 2013 and September 8, 2013, Respondent advertisement offered a free dinner and seminar on stress, hormones, & health related to belly fat. This advertisement included a claim of superiority.
3. On January 14, 2014, the Board's Enforcement Committee met and voted to recommend imposition of an administrative penalty of \$500.00, as authorized by the Chiropractic Act, TEX. OCC. CODE § 201.551, and 22 TEX. ADMIN. CODE § 75.10(c), for advertising treatments that are out of scope.



CONCLUSIONS OF LAW

1. John Madden 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 treatments that are out of scope, Respondent violated Board rule 22 TEX. ADMIN. CODE §77.2(a)(b), which states:

§77.2 Publicity. (a) A registered facility or licensee shall not, on behalf of himself, his partner, associate, or any other licensee or facility affiliated with him, use or participate in the use of any form of public communication which contains a false, fraudulent, misleading, deceptive, or unfair statement of claim, or which has the tendency or capacity to mislead or deceive the general public, as defined in §77.5 of this title (relating to Misleading Claims). (b) In any form of public communication, a licensee or facility shall not describe services that are inconsistent with the practice of chiropractic as described under §75.17 of this title (relating to Scope of Practice).

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:

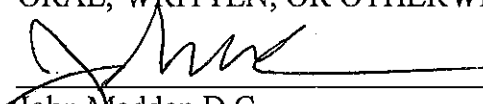
1. John Madden D.C., Respondent, shall:
 - a. pay an administrative penalty of \$500.00 within thirty days from the date the Board approves this Agreed Final Order; and
 - b. comply with all provisions of the Chiropractic Act and the Board's rules in the future, or subject himself to further disciplinary 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, John Madden 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.

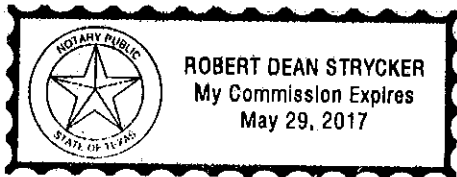



John Madden D.C.
License No. 10046

DATE: 2/17/14

STATE OF TEXAS §
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COUNTY OF Willington §

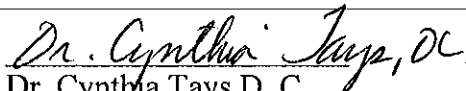
Before me, the undersigned Notary Public, on this 17th day of February, 2014, personally appeared John Madden, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.



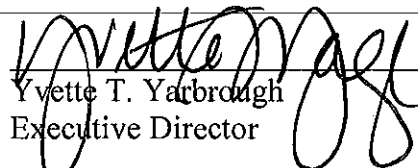


Notary Public

Approved by a majority of the Texas Board of Chiropractic Examiners on this 22 day of May, 2014.



Dr. Cynthia Tays D. C.
President



Yvette T. Yarbrough
Executive Director

Texas Board of Chiropractic Examiners
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