

IN THE MATTER OF	§	BEFORE THE
Thomas Culleton, D.C.	§	TEXAS BOARD OF
LICENSE NO. 8239	§	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 Thomas Culleton 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. Thomas Culleton 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 5, 2013, received a complaint from a patient concerning Dr. Culleton’s advertisement is not related to the biomechanics of the spine or the musculoskeletal system of the human body.
3. On or about August 23, 2013, Dr. Culleton was required to submit a written response.
4. On November 20, 2013, after due consideration of the complaint, respondent’s response, and the information obtained throughout the investigation of the complaint, 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 § 77.2, for advertising services outside scope of practice.

CONCLUSIONS OF LAW

1. Thomas Culleton 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 services outside of scope of practice and Respondent violated Board rule 22 TEX. ADMIN. CODE §77.2 which states:

§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 as described under §78.13 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.

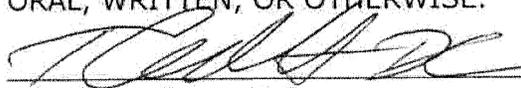
NOW THEREFORE, it is the ORDER of the Texas Board of Chiropractic Examiners that:

1. Thomas Culleton 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 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 his understanding of it, and agrees that he will satisfactorily comply with the mandates of this Agreed Order 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.

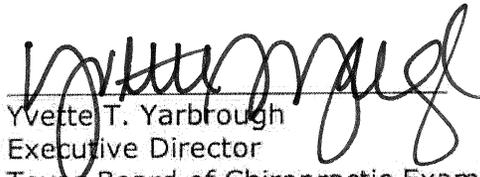
I, Thomas Culleton D.C., HAVE READ AND UNDERSTAND THE FOREGOING AGREED FINAL ORDER. I UNDERSTAND THAT BY SIGNING THIS AGREED FINAL ORDER, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WILLINGLY, AND KNOWINGLY. I UNDERSTAND THIS AGREED FINAL ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT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



DATE:

9/4/2015

Thomas Culleton D.C.
License No. 8239



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