

BEFORE THE BOARD OF CHIROPRACTIC PHYSICIANS

STATE OF IDAHO

In the Matter of the License of:)	
)	Case No. CHI-2011-5
GLEN D. RANDALL, D.C.)	
License No. CHIA-912,)	STIPULATION AND
)	CONSENT ORDER
Respondent.)	
_____)	

WHEREAS, information has been received by the Idaho State Board of Chiropractic Physicians (the "Board") that constitutes sufficient grounds for the initiation of an administrative action against Glen D. Randall ("Respondent"); and

WHEREAS, the parties mutually agree to settle the matter in an expeditious manner in lieu of administrative hearings before the Board; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A. Stipulated Facts and Law

A.1. The Board regulates chiropractic practice in the State of Idaho in accordance with title 54, chapter 7, Idaho Code.

A.2. The Board has issued License No. CHIA-912 to Respondent. Respondent's license is subject to the provisions of title 54, chapter 7, Idaho Code and the Board's rules at IDAPA 24.03.01, *et seq.*

A.3. The Board received information that:

1. Respondent may be engaging in unfair and abusive billing practices by using high pressure tactics to have patients sign or commit to extended care agreements requiring a significant number of office visits for up to one year.

2. Respondent may have stated a patient had scoliosis and a 10% curvature of her spine in order to scare her into a long term care agreement when the diagnosis was inaccurate. Respondent may also engage in code splitting and significant overutilization of services.

A.4. The allegations of Paragraph A.3., if proven, would violate the laws and rules governing chiropractic practice, specifically Idaho Code §§ 54-712(4) ; 54-712(10); 54-712(11); 54-712(13), and IDAPA 24.03.01.450. Violations of these laws and rules constitute grounds for disciplinary action against Respondent's license to practice chiropractic in the State of Idaho.

B. Waiver of Procedural Rights

I, Glen D. Randall, by affixing my signature hereto, acknowledge that:

B.1. I have read, understand and deny the allegations pending before the Board, as stated in Section A, Paragraphs A.3 through A.4. I further understand that these allegations, if proven, would constitute cause for disciplinary action upon my license to practice chiropractic in the State of Idaho.

B.2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to testify myself; the right to reconsideration of the Board's orders; the right to judicial review of the Board's orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of chiropractic in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the pending allegations.

B.3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon my license without further process.

C. Stipulated Discipline

C.1. Respondent shall comply with regulatory approved standard of treatment as identified thorough, adopted by Board of Chiropractic Physicians and recognized national guidelines. Treatment plans shall be individually tailored for each patient's physical conditions and needs and shall be based upon an accurate diagnosis. Respondent shall only provide services to patients which are medically necessary and indicated for each patient's individual condition and shall bill accordingly.

C.2. Within six (6) months of the date of entry of the Board's Order, Respondent shall take a minimum 6-hour ethics course approved by the Board. Respondent must receive prior approval by the Board as to both the institution and the coursework for which he is seeking credit. Respondent shall submit proof of attendance to the Board within 30 days of attendance of said continuing education. This continuing education shall be in addition to any continuing education Respondent is required to obtain to maintain his license.

C.3. Respondent shall pay partial investigative costs and attorney fees in the amount of \$5,000 within thirty (30) days of the entry of the Board's Order.

C.4. The Bureau of Occupational Licenses shall monitor Respondent's compliance with the terms and conditions of this Stipulation and Consent Order and Respondent shall cooperate in providing the Bureau with any requested records necessary to monitor compliance.

C.4. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

C.5. The violation of any of the terms of this Stipulation by Respondent may warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D. Presentation of Stipulation to Board

D.1. The Board's prosecutor shall present this Stipulation to the Board with a recommendation for approval.

D.2. The Board may accept, modify with Respondent's approval, or reject this Stipulation. If the Board rejects the Stipulation, an administrative Complaint may be filed with the Board. Respondent waives any right Respondent may have to challenge the Board's impartiality to hear the allegations in the administrative Complaint based on the fact that the Board has considered and rejected this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

D.3. If the Board rejects this Stipulation then, except for Respondent's waiver set forth in Paragraph D.2., this Stipulation shall be regarded as null and void, and admissions in this Stipulation and negotiations preceding the signing of this Stipulation will not be admissible at any subsequent disciplinary hearing.

D.4. Except for Paragraph D.2., which becomes effective when Respondent signs this Stipulation, this Stipulation shall not become effective until it has been approved by a majority of the Board and a Board member signs the attached Order.

E. Violation of Stipulation and Consent Order

E.1. If Respondent violates this Stipulation and Consent Order, the violation shall be considered grounds for additional discipline and the Board may impose additional discipline pursuant to the following procedure:

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a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board to assess whether Respondent has violated this Stipulation and Consent Order. The Chief shall also serve notice of the hearing and charges to Respondent and to Respondent's attorney, if any. Within fourteen (14) days after the notice of the hearing and charges is served, Respondent may submit a response to the allegations. If Respondent does not submit a timely response to the Board, the alleged violations will be deemed admitted.

b. At the hearing, the Board and Respondent may submit evidence and present oral argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to evidence relevant to whether Respondent has violated this Stipulation and Consent Order. At the hearing the facts and substantive matters related to the violations described in Section A shall not be at issue.

c. At the hearing, the Board may impose additional discipline, which may include the suspension or revocation of Respondent's license, the imposition of fines, the recovery of costs and attorney fees incurred by the Board and/or other conditions or limitations upon Respondent's practice.

E.2. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

E.3. This Stipulation contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

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CERTIFICATE OF GLEN D. RANDALL, D.C.

I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I am waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to me or the Board rejects this Stipulation, it will be of no effect.

DATED this 5 day of December, 2012.

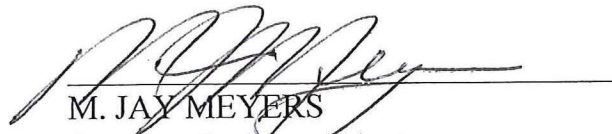


GLEN D. RANDALL, D.C.

Respondent

I recommend that the Board enter an Order based upon this Stipulation

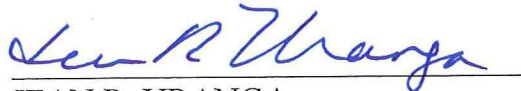
DATED this 5 day of December, 2012.



M. JAY MEYERS

Attorney for Respondent

DATED this 7th day of November, 2012.



JEAN R. URANGA

Attorney for the Board

ORDER

Pursuant to Idaho Code § 54-712, the foregoing is adopted as the decision of the Board of Chiropractic Physicians in this matter and shall be effective on the 28th day of January, 2013. **IT IS SO ORDERED.**

IDAHO STATE BOARD
OF CHIROPRACTIC EXAMINERS

By 
JAMES E. HOLLINGSWORTH, Chair

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on this 28th day of January, 2013, I caused to be served a true and correct copy of the foregoing by the following method to:

M. Jay Meyers
Attorney at Law
P.O. Box 4747
Pocatello, Idaho 83205

☒ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile: _____

Jean R. Uranga
Uranga & Uranga
Attorneys at Law
P.O. Box 1678
Boise, Idaho 83701

☒ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile: _____


Tana Cory, Chief
Bureau of Occupational Licenses