

1 **BEFORE THE STATE OF ARIZONA**
2 **BOARD OF CHIROPRACTIC EXAMINERS**

3 In the Matter of:)

Case Nos.: 2018-013 and 2018-016)

4 **Troy D. Scheible, D.C.**)

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER OF
REVOCATION**

5 Holder of License No. 5432)
6 For the Practice of Chiropractic)
In the State of Arizona)

7 _____
8 **INTRODUCTION**

9 On January 23, 2019, the State of Arizona Board of Chiropractic Examiners (“Board”)
10 convened to hold an Administrative Hearing. Assistant Attorney General Mona Baskin
11 represented the State. Respondent did not appear and was not represented by legal counsel.
12 Assistant Attorney General Marc Harris, of the Licensing and Enforcement Section of the
13 Attorney General’s Office, appeared in person to provide independent legal advice to the Board.
14 At issue was the State’s Motion to Deem Allegations Admitted regarding the Complaint and
15 Notice of Hearing in this matter and the imposition of the appropriate disciplinary action(s)
16 pursuant to A.R.S. § 32-924. The Board, after considering the State’s Motion, granted the
17 Motion to Deem the Allegations Admitted and issued the following Findings of Fact,
Conclusions of Law and Order:

18 **PARTIES**

19 1. The State of Arizona Board of Chiropractic Examiners (“Board”) is the agency
20 responsible for licensing and regulating the practice of chiropractic in the State of Arizona.

21 2. Troy D. Scheible (“Respondent”) holds License No. 5432, for the practice of
22 chiropractic in the State of Arizona, which was placed on Administrative Suspension as of
23 January 1, 2018, for nonrenewal.

24 **FINDINGS OF FACT**

25 **Case # 2018-013**

1 the patient, or the authorized agent of the patient, within 10 business days of the receipt of a written
2 request to do so. b. Release a copy of any specified portion or all of a patient’s billing record to
3 the patient or the authorized agent of the patient, within 10 business days of the receipt of a written
4 request to do so. c. In the case of a patient or a patient’s authorized agent who has verbally
5 requested the patient record: i. Provide the patient record, or ii. Inform the patient or patient’s
6 authorized agent that the record must be provided if a written request is made under subsection
7 (7)(a) or (b).”). Respondent’s actions, described above, could provide the Board with sufficient
8 factual basis to suspend or revoke Respondent’s chiropractic license pursuant to A.R.S. § 32-
9 924(G).

10 3. The conduct and circumstances described in the above Findings of Fact constitute
11 grounds for discipline pursuant to A.R.S. § 32-924(A)(5) (“Unprofessional or dishonorable
12 conduct of a character likely to deceive or defraud the public or tending to discredit the
13 profession.”) as it relates to A.A.C. R4-7-902(14) (“Failing to timely comply with a board
14 subpoena pursuant to A.R.S. § 32-929 that authorizes Board personnel to have access to any
15 document, report, or record maintained by the chiropractic physician relating to the chiropractic
16 physician’s practice or professional activities.”). Respondent’s actions, described above, could
17 provide the Board with sufficient factual basis to suspend or revoke Respondent’s chiropractic
18 license pursuant to A.R.S. § 32-924(G).

19 4. The conduct and circumstances described in the above Findings of Fact constitute
20 grounds for discipline pursuant to A.R.S. § 32-924(A)(5) (“Unprofessional or dishonorable
21 conduct of a character likely to deceive or defraud the public or tending to discredit the
22 profession.”) as it relates to A.A.C. R4-7-902(28) (“Providing substandard care due to an
23 intentional or negligent act or failure to act regardless of whether actual injury to the patient is
24 established.”). Respondent’s actions, described above, could provide the Board with sufficient
25 factual basis to suspend or revoke Respondent’s chiropractic license pursuant to A.R.S. § 32-
26 924(G).

1 2. Within **90 days** of the effective date of this order, Respondent shall return to the
2 Board the license no. **5432** to the Board issued to the Respondent on August 29, 1995.

3 3. Within **90 days** of the effective date of this order, Respondent shall return to the
4 Board the Physical Medicine Modalities & Therapeutic Procedures certificate no. **3101** issued
5 to the Respondent on August 29, 1995.

6 4. Within **90 days** of the effective date of this order, Respondent shall **reimburse** the
7 Board for the cost of the investigation and formal hearing in the amount of **\$1,897.56**.

8
9 **NOTICE:** This Order constitutes a formal decision and order of the Board. If the
10 Respondent desires to challenge the Order, Respondent shall file a written motion for rehearing
11 with the Board’s Executive Director within thirty (30) days after service of the Order. Service
12 of the Order is effective five days after the date of mailing to Respondent. Under A.A.C. R4-7-
13 305 (C), the motion for rehearing must state with specificity the grounds for rehearing. Failure
14 to file a motion for rehearing or review has the effect of prohibiting judicial review of the
15 Board’s Order, according to A.R.S. § 41-1092.09 (B) and A.R.S. § 12-904 et seq.
16

1 DATED AND EFFECTIVE this 12th day of March, 2019.



STATE OF ARIZONA BOARD OF
CHIROPRACTIC EXAMINERS

By: Richard A. Guarino D.C.
Richard Guarino, D.C., Chair

7 **CERTIFICATION OF SERVICE**

8 Original of the foregoing filed
9 this 7th day of February, 2019, with:

10 State of Arizona Board of Chiropractic Examiners
11 1740 West Adams Street, Suite 2430
12 Phoenix, AZ 85007

13 COPY of the foregoing mailed by U.S. Regular & Certified Mail
14 this 7th day of February, 2019, to:

15 Troy D. Scheible
16 Address of Record
17 *Respondent*

18 COPY of the foregoing e-mailed
19 this 7th day of February, 2019, to:

20 Michael Raine, Assistant Attorney General
21 Arizona Attorney General's Office
22 Michael.Raine@azag.gov

23 Marc H. Harris, Assistant Attorney General
24 Marc.Harris@azag.gov
25 Independent Counsel to the Board

26 Justin Bohall, Executive Director
Board Operations