

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

3 In the Matter of:) Case No.: 2017-031
4 Carol L. Watkins, D.C.)
5 Holder of License No. 8249) **FINDINGS OF FACT, CONCLUSIONS**
6 For the Practice of Chiropractic) **OF LAW AND ORDER FOR**
7 In the State of Arizona) **PROBATION**

8
9 **INTRODUCTION**

10 Pursuant to A.R.S. § 32-924 (G - H), the State of Arizona Board of Chiropractic
11 Examiners (“Board”) held a Formal Interview for Carol L. Watkins, D.C. (“Respondent”) on
12 February 21, 2018. Respondent voluntarily appeared before the Board and was not represented
13 by legal counsel.

14 Following the Formal Interview, the Board voted to substantiate several allegations of
15 unprofessional conduct and now issues the following Findings of Fact, Conclusions of Law
16 and Order.

17 **FINDINGS OF FACT**

- 18 1. On August 17, 2013, patient AW was involved in a motor vehicle accident.
- 19 2. AW is Respondent’s daughter.
- 20 3. Respondent submitted documents to an automobile insurance carrier for the
21 purpose of making a claim related to her daughter’s injuries from the accident.
- 22 4. Among the documents that Respondent submitted were treatment records
23 indicating that a Doctor of Chiropractic with “Advantage Chiropractic” had treated AW.
- 24 5. The other doctor was not affiliated with “Advantage Chiropractic,” which was
25 Respondent’s entity.
- 26 6. The address that Respondent provided for Advantage Chiropractic was the other
27 doctor’s practice address.
- 28 7. The treatment records that Respondent submitted were not signed.
8. The insurance carrier also interviewed Respondent when it investigated the
claim.

1 9. Respondent told the insurance carrier that the other doctor had treated her
2 daughter AW at his office.

3 10. Respondent now admits that the other doctor never treated her daughter, but that
4 in fact, Respondent had treated her daughter at their personal residence at no out of pocket
5 expense.

6 11. Respondent now admits that while she had discussions about working with the
7 other doctor, that she was not working with or for him when treating her daughter, as she had
8 falsely claimed.

9 12. During the course of its investigation, the Board requested Respondent to
10 provide documentation that she had completed all required continuing education hours.
11 Respondent was unable to substantiate all required continuing education hours for the 2014 and
12 2015 renewal cycles.

13 **CONCLUSIONS OF LAW**

14 1. The conduct and circumstances described above in the Findings of Fact constitute
15 a violation of A.R.S. § 32-924(A)(15) (“Any conduct or practice contrary to recognized
16 standards in chiropractic”).

17 2. The conduct and circumstances described above in the Findings of Fact constitute
18 a violation of A.R.S. § 32-924(A)(16) (“Violating . . . any of the provisions of this chapter or any
19 board order.”).

20 3. The conduct and circumstances described above in the Findings of Fact constitute
21 a violation of A.R.S. § 32-924(A)(23) (“Intentionally misrepresenting to or omitting a material
22 fact from the . . . third-party payor concerning charges, services, appliances, tests, equipment, an
23 x-ray examination or other procedures offered or provided.”).

24 2. The conduct and circumstances described above in the Findings of Fact constitute
25 a violation of A.R.S. § 32-924(A)(5) (“Unprofessional or dishonorable conduct of a character
26 likely to deceive or defraud the public or tending to discredit the profession”), as it relates to
27 A.A.C. R4-7-902(2) (“Knowingly making a false or misleading statement to a patient or a third-
28 party payor”), A.A.C. R4-7-902(5) (“Failing to create an adequate patient record that includes
[among other items] the name or initials of the chiropractic physician who provided services to
the patient”), A.A.C. R4-7-902(13) (“Improper billing. Improper billing means: . . . c. Charging a
fee by fraud or misrepresentation, or willfully and intentionally filing a fraudulent claim with a

1 third-party payor; d. Misrepresenting the service provided for the purpose of obtaining payment;
2 . . . and f. Repeatedly billing for services not rendered or not documented as rendered or
3 repeatedly engaging in acts prohibited under subsections (c) through (e)”)

4 3. The conduct and circumstances described above in the Findings of Fact constitute
5 a violation of A.R.S. § 32-931(D) (“Failure of a person holding a license to practice chiropractic
6 to comply with this section [Continuing education requirements] without adequate cause”).

7 **ORDER**

8 Based upon the above Findings of Fact and Conclusions of Law, **IT IS HEREBY**
9 **ORDERED:**

10 1. Chiropractic License No. 8249 issued to Respondent to practice chiropractic in the
11 State of Arizona shall be placed on **PROBATION** for **two (2) years**.

12 2. The terms and conditions of the Order of Probation are as follows:

13 **a. Costs of Investigation.**

14 Within **six (6) months** of the effective date of this Order, Respondent shall reimburse the
15 Board for its costs of investigation in the amount of \$5,000. The amount shall be paid by
16 personal check, cashier’s check or money order.

17 **b. Ethics and Jurisprudence Exams.**

18 1. Within six (6) months of the effective date of this Order, Respondent shall
19 take and pass the Board’s jurisprudence exam. Respondent is required to receive a score of 85%
20 or higher to be considered passing.

21 2. Respondent shall take and successfully pass all portions of the Ethics and
22 Boundaries Assessment Service L.L.C., Ethics and Boundaries Essay Examination (“EBAS”)
23 within **1 year** of the effective date of the Order. Respondent shall provide written proof of her
24 successful completion of all portions of the EBAS prior to Board consideration of the lifting of the
25 Order of Probation. Respondent’s failure to comply with this term of probation shall be considered
26 by the Board and may be considered an act of noncompliance with the Board Order and result in
27 additional disciplinary action including suspension and revocation. Respondent will have two
28 attempts at successfully passing all portions of the exam. If Respondent fails any part of the first
examination, she shall retake and successfully pass the EBAS examination within 60 days.

c. Continuing Education.

1 During the term of probation, Respondent shall take and complete **four (4) hours** of
2 continuing education (C.E.) in **record keeping** and **billing** that have been pre-approved by
3 Board staff. Respondent shall submit a request for approval of the course to Board staff and
4 provide the Board with satisfactory proof of attendance within fifteen (15) days after completing
5 the C.E. These hours of C.E. are in addition to the mandatory hours of C.E. required of
6 Respondent for license renewal;

7 **d. Early Termination.**

8 Respondent may request early termination of probation after a minimum period of 6
9 months and upon proof of successful completion of all of the terms of probation. The
10 determination of successful completion of the terms of probation and whether to grant early
11 termination is within the sole determination of the Board.

12 3. If the Respondent violates any of the terms and conditions of this Order or
13 violates any Board statute or rule during the term of probation, the Board may then summarily
14 suspend Respondent's license and may, after notice and the opportunity for a hearing, impose
15 disciplinary action including but not limited to suspension or revocation of Respondent's license.
16 The issue at such hearing will be limited to whether Respondent failed to comply with any of the
17 terms and conditions of this Order or violated any Board statute or rule while on probation.

18 4. In the event that Respondent moves out of state or ceases to practice chiropractic
19 in Arizona, she shall notify the Board of these events in writing, within twenty days, and the
20 Board may stay the terms and conditions of her probation until Respondent returns to practice
21 chiropractic in Arizona.

22 5. Respondent shall bear all costs required to ensure her compliance with this Order
23 to include, but not limited to, the cost of the Board-approved monitor, required education, patient
24 treatment, evaluations, and all alcohol and drug testing.

25 6. Respondent shall meet all requirements to renew her license for each year that she
26 remains on probation and shall keep her license current by submitting a complete license renewal
27 application to the Board prior to January 1 for each year that she remains on probation.

28 7. Respondent shall obey all federal, state and local laws and all rules governing the
practice of chiropractic in Arizona. The Board shall consider any violation of this paragraph as a
separate violation of the Chiropractic Practice Act.

1 8. The Board retains jurisdiction over Respondent and may take additional remedial
2 or disciplinary action against him if it determines that she has committed subsequent violations
3 of this Order or of the Chiropractic Practice Act. Respondent shall appear in person before the
4 Board to respond to questions or concerns regarding her compliance with this Order when
5 requested.

6 9. This Order is a public record that may be publicly disseminated as a formal action
7 of the Board and shall be reported as required by law to the National Practitioner Data Bank.

8 10. The Board retains jurisdiction over Respondent and may take additional remedial
9 or disciplinary action against him if it determines that she has committed subsequent violations
10 of this Order or of the Chiropractic Practice Act. Respondent shall appear in person before the
11 Board to respond to questions or concerns regarding her compliance with this Order when
12 requested.

13 Notice of Right to Request Rehearing or Review

14 Respondent has the right to request rehearing or review of this Order. Pursuant to
15 A.R.S. § 41-1092.09, the request must be filed with the Board within thirty (30) days of the
16 service of this Order. A.A.C. R4-7-305. Service of this Order is effective upon personal
17 delivery or five (5) days from the date of mailing. A.A.C. R4-7-302. The request must set
18 forth legally sufficient reasons for granting the rehearing or review. The filing of a request for
19 rehearing or review is required to preserve any rights of appeal to the Superior Court that the
20 party may wish to pursue.

21 This Order shall be effective and in force upon the expiration of the above time period
22 for filing a motion for rehearing or review with the Board.
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2 **DATED AND EFFECTIVE** this 2nd day of April, 2018.

3 STATE OF ARIZONA BOARD OF
4 CHIROPRACTIC EXAMINERS



11 By James Badge, D.C.
12 James Badge, D.C., Chair
13 State of Arizona Board of
14 Chiropractic Examiners

15 **Original** of the foregoing filed this
16 2nd day of April, 2018 with:
17 State of Arizona Board of Chiropractic Examiners
18 1740 West Adams Street, Suite 2430
19 Phoenix, Arizona 85007

20 **Executed Copy** of the foregoing mailed by U.S. certified mail
21 this 2nd day of April, 2018, to:

22 Carol L. Watkins, D.C.
23 Penny Injury Chiropractic
24 9140 W. Thomas Rd, Ste. B105
25 Phoenix, Arizona 85037
26 *Respondent*
27 Certificate No. 7017 2400 0000 9931 1734

28 Sent electronically to:
Michael Raine
Assistant Attorney General
Attorney for the State

Justin Bohall, Executive Director
Board Operations