

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

3 In the Matter of:) Case No.: 2017-062 (Amended)
4 John E. Dickerson, D.C.)
5 Holder of License No. 5526) **CONSENT AGREEMENT AND**
6 For the Practice of Chiropractic) **FINDINGS OF FACT, CONCLUSIONS**
7 In the State of Arizona) **OF LAW AND ORDER FOR**
) **VOLUNTARY SURRENDER**

8
9 **CONSENT AGREEMENT**
10 **RECITALS**

11 In the interest of a prompt and judicious settlement of the above-captioned matter before the
12 Arizona Board of Chiropractic Examiners (“Board”) and consistent with the public interest,
13 statutory requirements and responsibilities of the Board and pursuant to A.R.S. § 41-1092.07
14 (F)(5) and A.R.S. § 32-924 *et seq.*, John E. Dickerson, D.C. (“Respondent”), to practice
15 chiropractic in the State of Arizona, and the Board enter into the following Recitals, Findings of
16 Fact, Conclusions of Law and Order (Consent Agreement) as the final disposition of this matter.

17 1. Respondent has read and understands this Consent Agreement as set forth herein, and
18 has had the opportunity to discuss this Consent Agreement with an attorney or has waived the
19 opportunity. Respondent voluntarily enters into this Consent Agreement for the purpose of
20 avoiding the expense and uncertainty of an administrative hearing.

21 2. Respondent understands that the entity has a right to a public administrative hearing
22 concerning each and every allegation set forth in the above-captioned matter, at which
23 administrative hearing he could present evidence and cross-examine witnesses. By entering into
24 this Consent Agreement, Respondent freely and voluntarily relinquishes all rights to such an
25 administrative hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial
26 review or any other administrative and/or judicial action, concerning the matters set forth herein.

27 Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.
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3. Respondent agrees that the Board may adopt this Consent Agreement or any part of this agreement, under A.R.S. § 32-924. Respondent understands that the Board may consider this Consent Agreement or any part of it in any future disciplinary action against him.

4. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, *if any*, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding. Respondent also understands that acceptance of the Consent Agreement does not preclude any other agency, subdivision or officer of this state from instituting other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

5. All admissions Respondent makes in this Consent Agreement are made solely for the final disposition of this matter, and any related administrative proceedings or civil litigation involving the Board and Respondent. This Consent Agreement is not to be used for any other regulatory agency proceedings, or civil or criminal proceedings, whether in the State of Arizona or any other state or federal court, except related to the enforcement of the Consent Agreement itself.

6. By agreeing to allow the Board to impose the discipline ordered herein, Respondent acknowledges that the Board has evidence from which it could impose discipline under A.R.S. § 32-924 (G).

7. Respondent acknowledges and agrees that, upon signing this Consent Agreement and returning this document to the Board, Respondent may not revoke his acceptance of the Consent Agreement or make any modifications to the document. Any modification to this original document is ineffective and void unless mutually approved by the parties in writing.

8. Respondent understands that the foregoing Consent Agreement shall not become effective unless and until the Board adopts it and the Chairperson signs it.

1 date, and cause the monitor to submit quarterly reports. To address the Board's concerns
2 regarding substance abuse, the Board ordered Respondent to complete a comprehensive,
3 independent substance abuse evaluation at a Board approved and recognized center within 45
4 days of the effective date of the Order. The Board also ordered Respondent to submit to random
5 alcohol and drug testing for a minimum of one year. Finally, Respondent was ordered to take
6 and pass the Ethics and Boundaries Assessment within six months of the effective date of the
7 Order.

8 3. On May 18, 2016, the Board reviewed Respondent's compliance with the Order.
9 Respondent requested that the Board permit him to complete an outpatient rehabilitation program
10 approved by the Arizona court system in lieu of the comprehensive independent substance abuse
11 evaluation at a Board approved and recognized center as required by the Order. Respondent
12 advised the Board that he had completed an evaluation at Freestone; however, he stated that he
13 could not provide the Board with a copy of the evaluation because he did not bring it with him.
14 The Board pended the matter to allow Respondent to provide the evaluation to the Board.

15 4. On December 14, 2016, the Board reviewed Respondent's compliance with the
16 Order. The Board reviewed evidence that Respondent failed to report and submit to random drug
17 screening on three dates as required by the Order. The Board also reviewed a random urine drug
18 screen result in which Respondent tested positive for ethyl glucuronide (ethyl alcohol).
19 Respondent confirmed that he had not complied with the requirement that he obtain a
20 comprehensive, independent substance abuse evaluation at a Board approved and recognized
21 center. Respondent did not provide any documentation of compliance with the evaluation.
22 Respondent advised the Board that an in-patient program would create hardship for him. To date,
23 Respondent has failed to provide proof of compliance with the evaluation requirement of the
24 Order. The Board voted to forward the matter to a formal interview for non-compliance with a
25 Board Order.

26 5. Respondent failed to comply with the random alcohol and drug testing provision
27 of the Order by failing to appear for testing on the following dates: September 29, 2016, October
28 13, 2016, and November 18, 2016. Additionally, on October 3, 2016, March 17, 2017 and May
3, 2017, Respondent tested positive for ethyl glucuronide. Respondent admitted to the Board at
the May 17, 2017, Formal Interview that he drank two beers and then later advised the Board
that he drank three beers the evening before the March 17, 2017, random alcohol and drug screen.

1 6. The Order required Respondent to obtain a Board-approved Monitor within 30
2 days of the effective date of the Order. Respondent obtained and entered into an agreement
3 with a Board-approved Monitor on July 12, 2016. Respondent therefore failed to timely enter
4 into the agreement with the Board-approved Monitor.

5 7. The Order required Respondent to take and successfully pass the Ethics and
6 Boundaries Assessment Services LLC Ethics and Boundaries Essay Examination (“EBAS
7 Examination”) within six months of the effective date of the Order. Respondent successfully
8 passed the EBAS Examination on November 7, 2016. Respondent therefore failed to timely
9 pass the EBAS Examination.

CONCLUSIONS OF LAW

10 1. The conduct and circumstances described above in the Finding of Fact constitute
11 a violation of A.R.S. § 32-924(A)(16) “Violating or attempting to violate, directly or indirectly,
12 or assisting in or abetting the violation of or conspiring to violate any of the provisions of this
13 chapter or any board order.”

14 2. The conduct and circumstances described above in the Finding of Fact constitute
15 a violation of A.R.S. § 32-924(A)(5) “Unprofessional or dishonorable conduct of a character
16 likely to deceive or defraud the public or tending to discredit the profession.”

17 3. The conduct and circumstances described above in the Finding of Fact constitute
18 a violation of A.R.S. § 32-924(A)(15) “Any conduct or practice contrary to recognized standards
19 in chiropractic or any conduct or practice that constitutes a danger to the health, welfare or safety
20 of the patient or the public or any conduct, practice or condition that impairs the ability of the
21 licensee to safety and skillfully practice chiropractic.”

22 4. The conduct and circumstances described above in paragraphs 1-2, 4-5 in the
23 Factual Allegations constitute a violation of A.R.S. § 32-924(A)(4) “Habitual use of alcohol,
24 narcotics or stimulants to the extent of incapacitating the licensee for the performance of
25 professional duties.”

ORDER

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

1 1. Chiropractic License No. 5526, issued to Respondent to practice chiropractic in the State
2 of Arizona, shall be deemed VOLUNTARILY SURRENDERED upon adoption of this Consent
3 Agreement by the Board, and Respondent shall immediately return license 5526 to the Board.
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5 A.R.S. § 32-924(G) (3).

6 2. Physical Medicine Modalities and Therapeutic Procedures Certificate No. 3182, issued to
7 Respondent to practice chiropractic in the State of Arizona, shall be deemed VOLUNTARILY
8 SURRENDERED upon adoption of this Consent Agreement by the Board, and Respondent shall
9 immediately return certificate 3182 to the Board.

10 3. Respondent shall not apply for licensure or registration in the State of Arizona for one
11 (1) year from the effective date of this order.

Dated this 6th day of December, 2017

STATE OF ARIZONA BOARD OF
CHIROPRACTIC EXAMINERS



By James Badge, D.C.
James Badge, D.C., Chair
State of Arizona Board of
Chiropractic Examiners

Original of the foregoing filed this
6th day of December, 2017 with:

State of Arizona Board of Chiropractic Examiners
1951 West Camelback Road, Suite 330
Phoenix, AZ 85015

Executed Copy of the foregoing mailed by
U.S. mail
This 6th day of December, 2017
to:

John E. Dickerson, D.C.
Centered By Movement
1731 W. Baseline Rd., #111
Mesa, AZ 85202

Respondent

Executed Copy of the foregoing sent electronically
This 6th day of December, 2017 to:

Michael Raine
Assistant Attorney General
1275 W. Washington, CIV/LES
Phoenix, AZ 85007
Attorney for the State

Justin Bohall
Board Operations