

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

In the Matter of:

) Case No.: 2018-002

Terry L. Eldridge, D.C.

) **CONSENT AGREEMENT AND
FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER FOR STAYED
SUSPENSION AND PROBATION**

Holder of License No. 4094

For the Practice of Chiropractic

In the State of Arizona

CONSENT AGREEMENT

RECITALS

In the interest of a prompt and judicious settlement of the above-captioned matter before the Arizona Board of Chiropractic Examiners (“Board”) and consistent with the public interest, statutory requirements and responsibilities of the Board and pursuant to A.R.S. § 41-1092.07 (F)(5) and A.R.S. § 32-924 *et seq.*, Terry L. Eldridge, D.C., (“Applicant”), holder of license number 4094 to practice chiropractic in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order (Consent Agreement) as the final disposition of this matter.

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

2. Respondent understands that he has a right to a public administrative hearing concerning each and every allegation set forth in the above-captioned matter, at which administrative hearing he could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent freely and voluntarily relinquishes all rights to such an administrative hearing, as well as all rights of rehearing, review,

11 reconsideration, appeal, judicial review or any other administrative and/or judicial action,
22 concerning the matters set forth herein. Respondent affirmatively agrees that this
33 Consent Agreement shall be irrevocable.

44 3. Respondent agrees that the Board may adopt this Consent Agreement or any
55 part of this agreement, under A.R.S. § 32-924. Respondent understands that the Board
66 may consider this Consent Agreement or any part of it in any future disciplinary action
77 against him.

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

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

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

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


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

5 9. Respondent understands and agrees that if the Board does not adopt this
6 Consent Agreement, he will not assert as a defense that the Board's consideration of it
7 constitutes bias, prejudice, prejudgment or other similar defense in any future disciplinary
8 action.

9 10. Respondent understands that this Consent Agreement is a public record that
10 may be publicly disseminated as a formal disciplinary action of the Board, and shall
11 be reported as required by law to the National Practitioner Data Bank.

12 11. Respondent understands that any violation of this Consent Agreement
13 constitutes unprofessional conduct pursuant to A.R.S. § 32-924 (A) (16), "Violating or
14 attempting to violate, directly or indirectly, or assisting in or abetting the violation of or
15 conspiring to violate any of the provisions of this chapter or any Board order," and may
16 result in disciplinary action pursuant to A.R.S. § 32-914.

17
18 1-16-18
19 DATED


Terry L. Eldridge
Respondent

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21 FINDINGS OF FACT

22 1. The Board is the duly constituted authority for the regulation and control of
23 the practice of chiropractic in the State of Arizona.

24 2. Respondent is the holder of license number 4094 for the practice of
25 chiropractic in the State of Arizona.

26 3. On July 6, 2017, Respondent practiced chiropractic while under a severe state
27 of intoxication, which ultimately resulted in his hospitalization that day.
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1 unavailability to test. All requests to be temporarily excused from testing must be
2 approved in advance by the Board or its designee. Within seven (7) days of a missed test
3 due to an unexpected illness, Respondent shall provide the Board or the Board's designee
4 with written documentation from a medical provider stating that the medical provider
5 personally examined Respondent on the day of the missed test and that Respondent was
6 not physically able to report to the laboratory for testing.

7 During the period of Probation, failing to submit to two or more random tests
8 or failing to submit to a test on a day when the Board, Respondent's healthcare employer,
9 or the testing program or its designee has requested a test, will constitute noncompliance
10 with this Order and the Board shall automatically lift the stay of Respondent's suspension,
11 without the opportunity for further review. Any occurrence of the following constitutes
12 noncompliance with this Order, subject to further review if contested in writing by
13 Respondent: a positive test showing evidence of any substance other than an authorized
14 drug; submission of a specimen for which the integrity has been compromised, as
15 indicated by the presence of adulterants; or submission of a urine sample that is below
16 the acceptable volume or outside of the temperature range to be tested. If Respondent
17 contest the results, Respondent shall, within five (5) days of being notified of the
18 noncompliance, submit a written request for further review and Respondent's reason(s)
19 for contesting the results. If contested, the alleged noncompliance shall be investigated
20 by Board staff and reviewed and substantiated by the Board's designee, including a
21 written verification attesting to the validity and reliability of Respondent's testing results
22 from the Toxicologist or Medical Review Officer affiliated with the testing program or
23 laboratory. If, after the investigation and review, noncompliance is substantiated, the
24 Board shall automatically lift the stay of Respondent's suspension, without the
25 opportunity for further review. At any time during the term of this Order, if Respondent
26 submits three or more dilute urine specimens the Board or Board's designee may lift the
27 stay of Respondent's suspension, pending further investigation by the Board or the
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1 Board's designee. Respondent shall not return to practice until receiving written
2 authorization from the Board or the Board's designee. If the Board or Board designee
3 directs Respondent to cease practice, Respondent may request, in writing, that the matter
4 be placed on the Board agenda for the Board to review and determine if the requirement
5 to cease practice should remain in place pending the completion of the investigation and
6 final review by the Board of the alleged noncompliance.

7 b. Soberlink Breathalyzer

8 Within seven (7) days of the effective date of this Order and continuing for a
9 period of one (1) year, Respondent shall enroll in a program for the use of a Soberlink
10 Breathalyzer four (4) times each day in cooperation with his substance-abuse evaluator.
11 Respondent shall cause the evaluator to report to the Board that Respondent has
12 commenced testing under the program.

13 3. Outpatient Substance-Abuse Educational Program

14 Within six months of the effective date of this Order, Respondent shall enroll in and
15 complete a thirty-six (36) hour outpatient, substance-abuse educational program.
16 Respondent must obtain pre-approval of the program from his substance-abuse evaluator
17 for compliance with his written recommendations and cause the evaluator to notify the
18 Board regarding his approval.

19 4. Release of Information Forms

20 If the Board or its designee makes a written request for Respondent to sign a
21 release of information form to review or enforce compliance with this Order, Respondent
22 must sign and return the release to the Board within ten (10) days of the Board's written
23 request.

24 5. Interview with the Board or Its Designee

25 Respondent shall appear in person, or if residing out of state telephonically, for
26 interviews with the Board or its designee upon request with notice of at least two (2)
27 days.
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1 6. Termination of Probation

2 Respondent shall petition the Board for termination of his probation provided that
3 he has complied with the above listed terms. Upon receiving Respondent's petition, the
4 Board shall have complete discretion to determine whether Respondent has complied
5 with all the required terms and conditions of the Order prior to granting the petition.
6 Respondent's failure to petition the Board to terminate his probation shall cause the
7 probationary term to continue until he petitions for termination.

8 7. In the event that Respondent moves out of state or ceases to practice chiropractic
9 in Arizona, he shall notify the Board of these events in writing, within twenty (20) days,
10 and the Board may stay the terms and conditions of his probation until Respondent
11 returns to practice chiropractic in Arizona.

12 8. Respondent shall bear all costs required to insure his compliance with this order.

13 9. Respondent shall meet all requirements to renew his license for each year that he
14 remains on probation and shall keep his license current by submitting a complete license
15 renewal application to the Board prior to January 1 for each year that he remains on
16 probation.

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

20 11. The Board retains jurisdiction over Respondent and may take additional
21 remedial or disciplinary action against him if it determines that he has committed
22 subsequent violations of this order or of the chiropractic practice act. Respondent shall
23 appear in person before the Board to respond to questions or concerns regarding his
24 compliance with this order when requested.

DATED AND EFFECTIVE this 25th day of January, 2018.



STATE OF ARIZONA BOARD OF
CHIROPRACTIC EXAMINERS

By Richard A. Guarino D.C.

Richard Guarino, D.C., Vice-Chair
State of Arizona Board of
Chiropractic Examiners

Original of the foregoing filed this
25th day of January, 2018 with:
State of Arizona Board of Chiropractic Examiners
1740 West Adams Street, Suite 2430
Phoenix, Arizona 85007

Executed Copy of the foregoing mailed by US Mail and
sent electronically
this 25th day of January, 2018, to:

Terry L. Eldridge, D.C.
7440 W. Cactus Rd. #A19
Peoria, AZ 85381
Respondent
Certificate No.

Copy of the foregoing sent electronically
this 25th day of January, 2018

Robert Chelle, Esq.
11811 N. Tatum Blvd. #3031
Phoenix, AZ 85028
Attorney for Respondent

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

Justin Bohall, Executive Director
Board Operations