

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

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

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

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

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

24 8. Applicant understands that the foregoing Consent Agreement shall not become
25 effective unless and until the Board adopts it and the Chairperson signs it.
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1 Upon signature by the Applicant, payment of the issuance fee, approval and signature
2 by the Board of this Consent Agreement, Applicant shall be issued a license to practice
3 chiropractic in the State of Arizona. Upon issuance, the Board shall place the license on
4 **PROBATION** for a period of **two (2) years**. The Board retains the right to modify the length
5 of the probation and its terms.

6 Unless the Board amends this Order based upon the evaluator’s recommendations, the
7 terms and conditions of probation are as follows:

8 **a. Board-Approved Monitor:** within **thirty (30) day** of the effective date of this
9 order, Applicant shall enter into an agreement with a neutral and objective Board-approved
10 monitor and shall submit a copy of the agreement to Board staff. The Board-approved monitor
11 shall not be owned by or employ any person who a) is related to Applicant by blood or marriage,
12 b) has had a social or professional relationship with Applicant before the execution of this
13 Order, c) receives compensation of any nature from Applicant or d) otherwise has a conflict-of-
14 interest as determined by the Board. The Board-approved monitor shall remain in place during
15 Applicant’s term of probation and subject to the additional requirements set forth below. The
16 Board-approved monitor may submit recommendations to the Board to be incorporated into the
17 Order, and once said recommendations are adopted by the Board, Applicant shall promptly
18 comply with the Board approved recommendations that the Board-approved monitor states in
19 writing. Applicant shall implement the Board-approved monitor’s recommendations within ten
20 (10) days. Applicant shall cause the Board-approved monitor to send quarterly reports of
21 Applicant’s compliance with this Order and the Board-approved monitor’s recommendations
22 to the Board.

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25 **b. Abstain from Alcohol:** Applicant shall not consume any alcohol or any
26 substances containing alcohol and shall avoid all products containing alcohol duration the term
27 of probation. Applicant shall abstain completely from the personal use or possession of
28 controlled substances, as defined in the State Controlled Substances Act, and dangerous drugs

1 as defined by law, or any drugs requiring a prescription. This paragraph does apply to
2 medications that a healthcare provider lawfully prescribes to Applicant.

3 **c. Random Screening:** Within **thirty (30) days** of the terms of probation,
4 Applicant shall enroll and at all times during the term of probation remain enrolled in the Board
5 approved third-party program for random drug and alcohol testing. Testing may include testing
6 of urine, hair, nail, saliva, or blood, as determined by the Board or the Board's designee.

7 For random urine testing, Applicant shall submit a urine specimen a minimum of one
8 (1) time per month for the duration of the Order. Applicant shall provide, in advance of travel
9 or unavailability, at least three (3) calendar days' written notice to the testing program and to
10 the Board's designee of any out-of-town travel or other unavailability to test. All requests to be
11 temporarily excused from testing must be approved in advance by the Board or its designee.
12 Within seven (7) days of a missed test due to an unexpected illness, Applicant shall provide the
13 Board or the Board's designee with written documentation from a medical provider stating that
14 the medical provider personally examined Applicant on the day of the missed test and that
15 Applicant was not physically able to report to the laboratory for testing.

16 During the period of the Order, failing to submit to two or more random tests or failing
17 to submit to a test on a day when a test has been requested by the Board, its designee, Applicant's
18 healthcare employer, or the testing program will constitute noncompliance with this Order and
19 Applicant's license shall be automatically suspended for at minimum twelve (12) months, NOT
20 subject to further review.

21 A positive test showing evidence of any substance (alcohol or drug) other than an
22 authorized drug may result in Board staff notifying Applicant's employer. Any occurrence of
23 the following constitutes noncompliance with this Order, subject to further review if contested
24 in writing by Applicant: a positive test showing evidence of any substance other than an
25 authorized drug; submission of a specimen for which the integrity has been compromised, as
26 indicated by the presence of adulterants; or submission of a urine sample that is below the
27 acceptable volume or outside of the temperature range to be tested. If Applicant contests the
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1 results, Applicant shall, within five days of being notified of the noncompliance, submit a
2 written request for further review and Applicant's reason(s) for contesting the results. If
3 contested, the alleged noncompliance shall be investigated by Board staff and reviewed and
4 substantiated by the Board's designee, including a written verification attesting to the validity
5 and reliability of Applicant's testing results from the Toxicologist or Medical Review Officer
6 affiliated with the testing program or laboratory. If, after the investigation and review,
7 noncompliance is substantiated, Applicant's license shall automatically be suspended for at
8 minimum twelve (12) months, NOT subject to further review.

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10 Failing to submit to a test on a day when a test has been requested by the Board, its
11 designee, a healthcare employer, or the testing program constitutes a violation of this Agreement
12 for which Applicant may not request further review/investigation by the Board's designee. At
13 any time during the term of this Order, if Applicant submits three or more dilute urine specimens
14 the Board or Board's designee may direct Applicant to cease practicing pending further
15 determination by the Board or the Board's designee; and Applicant shall not return to practice
16 until receiving written authorization from the Board or the Board's designee. The Board's
17 designee may notify Applicant's employer that Applicant is required to cease practice. If the
18 Board or Board designee directs Applicant to cease practice, Applicant may request, in writing,
19 that the matter be placed on the Board agenda for the Board to review and determine if the
20 requirement to cease practice should remain in place pending the completion of the investigation
21 and final review by the Board of the alleged noncompliance. If a written request for Board
22 review is received ten (10) or less business days before a regularly scheduled Board meeting,
23 the request may not be heard at that meeting, but will instead be heard at the next regularly
24 scheduled Board meeting.

25 **d. AA/NA Meetings:** Applicant shall attend a minimum of one (1) AA/NA
26 meeting per month for the duration of the probation period. The frequency of attendance may be
27 modified based on the recommendation of the substance abuse evaluator. Applicant shall
28 maintain a log of the AA/NA meetings attended and receive a signature from the meeting

1 organizer of each meeting. Once per month, Applicant shall provide a copy of his AA/NA
2 meeting signature log to the Monitor.

3 **e. Ethics and Boundaries Assessment Services Examination:** Applicant
4 shall take and successfully pass all portions of the Ethics and Boundaries Assessment Service
5 L.L.C., Ethics and Boundaries Essay Examination (“EBAS”) within **three (3) months** of the
6 effective date of the Order. Applicant shall provide written proof of his successful completion
7 of all portions of the EBAS prior to Board consideration of the lifting of the Order of Probation.
8 Applicant will have two attempts at successfully passing all portions of the exam. If Applicant
9 fails any part of the first examination, he shall retake and successfully pass the EBAS
10 examination within 60 days.

11 **f. Reimbursement:** With **two (2) years** the effective date of the probation,
12 Applicant shall pay reimbursement the Board for its costs of investigation in the amount of \$300.
13 Applicant shall make payment by cashier’s check or money order payable to the Board.

14 **g. Early Termination of Probation:** Applicant may submit a petition for
15 early termination of the probation after at least one (1) full year on probation and having
16 complied with all other terms of the suspension and probation. Upon receiving Applicant's
17 petition, the Board shall have complete discretion to determine whether Applicant has complied
18 with all the required terms and conditions of the Order prior to granting the petition for early
19 termination.

20 **h. Termination of Probation:** Applicant shall petition the Board for
21 termination of his probation provided that he has complied with the above listed terms. Upon
22 receiving Applicant’s petition, the Board shall have complete discretion to determine whether
23 Applicant has complied with all the required terms and conditions of the Order before granting
24 the petition. Applicant’s failure to petition the Board to terminate his probation shall cause the
25 probationary term to continue until he petitions for termination.

26 **i. Noncompliance with this Order:** The Board shall consider Applicant's
27 failure to comply with any of the terms of probation and may, in addition to any remedies that
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1 this Order provides, institute additional disciplinary action for noncompliance with this Order
2 pursuant to A.R.S. § 32-924(A)(16), which may include suspension or revocation of Applicant's
3 license.

4 **2. General Provisions**

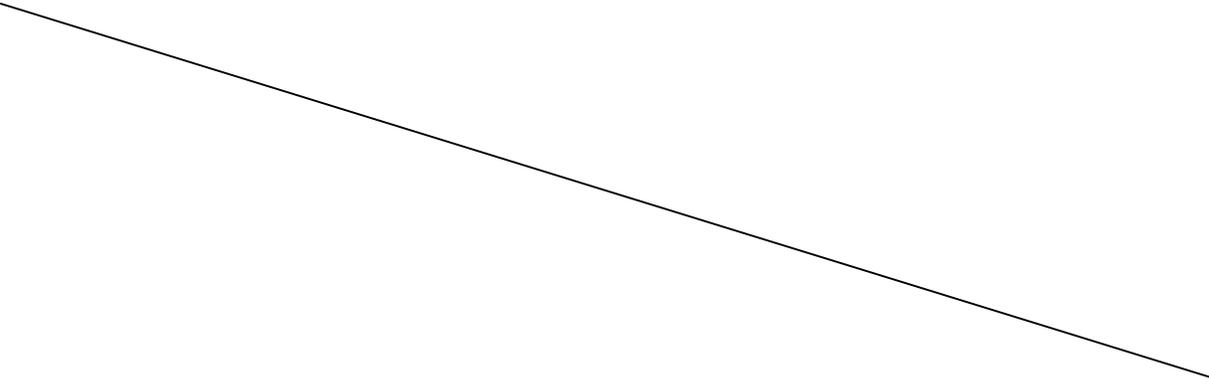
5 In the event that Applicant moves out of state or ceases to practice chiropractic in
6 Arizona, he shall notify the Board of these events in writing, within twenty (20) days, and the
7 Board may stay the terms and conditions of his probation until Applicant returns to practice
8 chiropractic in Arizona.

9 Applicant shall bear all costs required to insure his compliance with this order to include,
10 but not limited to, the cost for the probation monitor, required continuing education, and all
11 audits/auditors.

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

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

18 The Board retains jurisdiction over Applicant and may take additional remedial or
19 disciplinary action against him if it determines that he has committed subsequent violations of
20 this order or of the chiropractic practice act. Applicant shall appear in person before the Board
21 to respond to questions or concerns regarding his compliance with this order when requested.
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1 **DATED AND EFFECTIVE** this 15th day of June, 2018.

2 STATE OF ARIZONA BOARD OF
3 CHIROPRACTIC EXAMINERS

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5
6 By 

7 James Badge, D.C., Chair
8 State of Arizona Board of
9 Chiropractic Examiners

10 **Original** of the foregoing filed this
11 15th day of June, 2018 with:
12 State of Arizona Board of Chiropractic Examiners
13 1740 West Adams Street, Suite 2430
14 Phoenix, Arizona 85007

15 **Executed Copy** of the foregoing sent electronically
16 This 15th day of June, 2018 to:

17 John P. Steigerwald, D.C.
18 9600 North 96th Street, #275
19 Scottsdale, Arizona 85258

20 **Applicant**

21 Sent electronically to:
22 Michael Raine
23 Assistant Attorney General
24 1275 W. Washington, CIV/LES
25 Phoenix, AZ 85007
26 Attorney for the State

27 Justin Bohall, Executive Director
28 Board Operations