

**BEFORE THE BOARD OF CHIROPRACTIC
OF THE STATE OF IOWA**

IN THE MATTER OF)	CASE NO. 12-018
)	
Jason James, D.C.)	SETTLEMENT AGREEMENT
License No. 007102)	AND FINAL ORDER
RESPONDENT.)	

Pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2015), the Iowa Board of Chiropractic and Jason James ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a contested case currently pending before the Board.

The allegations contained in the Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

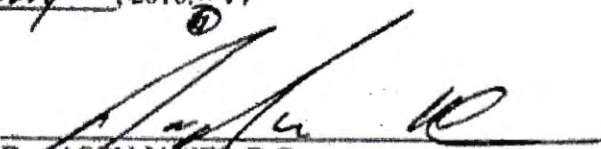
1. Respondent holds Iowa license number 007102 to practice chiropractic, which is currently active and expires on June 30, 2016.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. The Board filed a Notice of Hearing and Statement of Charges against the Respondent on July 29, 2015. A contested case hearing in this matter is scheduled for January 11, 2017.
4. Respondent filed a Response to the Statement of Charges denying the allegations in the Statement of Charges, but acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Settlement Agreement.
5. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Settlement Agreement. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.
6. Respondent is freely and voluntarily entering into this Order.
7. Respondent acknowledges that he has the right to be represented by counsel on this matter.
8. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

9. This Order is subject to approval by a majority of the full Board. If the Board fails to approve this Order, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Order, it shall be the full and final resolution of this matter.
10. This Order shall be part of the permanent record of Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.
11. Respondent acknowledges and understands that this Order will be reported to the National Practitioner Data Bank, as applicable.
12. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.
13. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

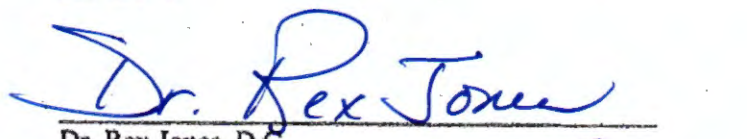

IT IS THEREFORE ORDERED:

14. Respondent is hereby **CITED** for making misleading representations in the practice of the profession and using untruthful or improbable statements in advertising, and **WARNED** that Respondent's failure to comply with the laws governing the practice of chiropractic in the future could result in further discipline.
15. While it is recognized that in 2012, Respondent voluntarily discontinued his participation in a diabetic wellness program, which was the focus of the Board's investigation, Respondent agrees to **DISCONTINUE** his participation in such program in the future.
16. Respondent agrees to pay a **CIVIL PENALTY** in the amount of five hundred dollars (\$500). This civil penalty shall be made payable to the Treasurer of Iowa and mailed to the Iowa Board of Chiropractic, Bureau of Professional Licensure, IDPH, Lucas State Office Bldg., 5th Floor, 321 East 12th Street, Des Moines, IA 50319 within sixty (60) days of the Board's approval of this Settlement Agreement and Final Order. All civil penalty payments shall be deposited into the State of Iowa general fund.
17. Respondent agrees to attend ten (10) hours of **CONTINUING EDUCATION** in the areas of business operations, including marketing practices, (5 hours) and applicable laws and regulations, compliance, ethics, and/or professional boundaries (5 hours). These continuing education hours shall conform to the requirements of Iowa Administrative Code rule 645—44 (2015). These hours shall not count towards Respondent's continuing education requirement for renewal. Respondent is solely responsible for all costs associated with obtaining these hours. Respondent shall provide the Board proof of completion of the ten (10) continuing education hours within four (4) months of the date of this Agreement.
18. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 147, 151, and 272C and Iowa Administrative Code rules 645—13 and 645—45.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 3 day of January, ~~2016~~ 2017


Dr. JASON JAMES, D.C.
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Chiropractic on the 11 day of January, ~~2016~~ 2017


Dr. Rex Jones, D.C.
Chairperson, Iowa Board of Chiropractic 

cc: Rebecca Barloon
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319
ATTORNEY FOR THE STATE

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Davis Brown Law Firm
The Davis Brown Tower
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Des Moines, IA 50309
ATTORNEY FOR RESPONDENT

**BEFORE THE BOARD OF CHIROPRACTIC
OF THE STATE OF IOWA**

IN THE MATTER OF)	CASE NO. 12-018
)	
Jason James, D.C.)	NOTICE OF HEARING AND
License No. 007102)	STATEMENT OF CHARGES
RESPONDENT.)	
)	

COMES NOW the Iowa Board of Chiropractic (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 645 Administrative Code rule 111.6. Respondent was issued Iowa license 007102 on June 17, 2008. Respondent's license is active and will next expire on June 30, 2016.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on October 14, 2015, before the Board. The hearing shall begin at 1:00 p.m. and shall be located in the Lucas State Office Building, Room 526, Des Moines, Iowa 50319.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you are required by 645 Iowa Administrative Code rule 111.12 to file an Answer. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges. Pleadings shall be filed with the Board at the following address: Board of Chiropractic, 5th Floor, Lucas State Office Building, Des Moines 50319.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found in Iowa Administrative Code chapter 11. At hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements in 645 Iowa Administrative Code rule 111.18. The hearing may be open to the public or closed to the public at your discretion.

Pre-hearing Conference. Any party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board's rules regarding pre-hearing conferences are contained in 645 Iowa Administrative Code rule 11.17.

Prosecution. The Office of Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address:

Meghan Gavin
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319.

Ms. Gavin can also be reached by phone at (515) 281-6736 or e-mail at Meghan.Gavin@iowa.gov.

Communications. You may not contact board members in any manner, including by phone, letter, or e-mail, about this Notice of Hearing and Statement of Charges. Board Members may only receive information about the case when all parties have notice and opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 151, and 272C.

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 151, and 272C and under 645 Iowa Administrative Code rule 11.21.

Default. If you fail to appear at hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 645 Iowa Administrative Code rule 11.21.

C. STATUTES AND RULES INVOLVED

Count I

KNOWINGLY MAKING MISLEADING, DECEPTIVE, UNTRUE, OR FRAUDULENT REPRESENTATIONS

Respondent is charged with knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession and as to skill or ability in violation of Iowa Code section 147.55(3) and 147.55(6) and Iowa Administrative Code rule 645-452(3).

Count II
ENGAGING IN UNETHICAL CONDUCT OR PRACTICE HARMFUL OR
DETRIMENTAL TO THE PUBLIC

Respondent is charged with engaging in unethical conduct or practice harmful or detrimental to the public in violation of Iowa Code section 147.55(3) and Iowa Administrative Code rule 645-452(3).

Count III
USING UNTRUTHFUL OR
IMPROBABLE STATEMENTS IN ADVERTISING

Respondent is charged with the use of untruthful or improbable statements in advertising in violation of Iowa Code section 147.55(7) and Iowa Administrative Code rule 645-452(5).

D. FACTUAL CIRCUMSTANCES

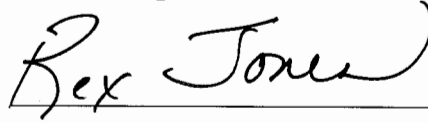
1. Respondent is a licensed chiropractor in the State of Iowa.
2. Respondent promised patients and potential patients they would be able to be taken off diabetes medication through the use of a diet and nutrition program.
3. Respondent claimed to be providing extensive laboratory tests on patient' participating in the program. Not all tests promised and charged for were conducted or read.
4. Respondent was not trained to treat diabetes through nutritional supplements or diet despite indications to patients that he was.
5. Respondent referred patients to and allowed patients to be supervised by medical professional not licensed in the State of Iowa.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 645 Iowa Administrative Code chapter 12.

F. FINDING OF PROBABLE CAUSE

On July 29, 2015 the Iowa Board of Chiropractic found probable cause to file this Statement of Charges and to order a hearing set in this case.

A handwritten signature in cursive script that reads "Rex Jones". The signature is written in black ink and is positioned above a horizontal line.

Chairperson
Iowa Board of Chiropractic

cc: Meghan Gavin
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319