IN THE MATTER OF §
Genene Gonser-Prado D.C. §
LICENSE NO. 6945 §
BEFORE THE §
TEXAS BOARD OF §
CHIROPRACTIC EXAMINERS §

AGREED FINAL ORDER

On this 13 day of November, 2014, the Texas Board of Chiropractic Examiners ("Board") considered the matter of the license of Genene Gonser-Prado D.C., Respondent.

This agreed order is executed pursuant to the authority of the Administrative Procedure Act (APA), Texas Government Code § 2001.056, which authorizes the informal disposition of contested cases. In a desire to conclude this matter without further delay and expense, the Board and Respondent agree to resolve this matter by this Agreed Final Order. The Respondent agrees to this order for the purpose of resolving this proceeding only and without admitting or denying the findings of fact and conclusions of law set out in this order.

Upon recommendation of the Enforcement Committee, the Board makes the following findings of fact and conclusions of law and enters this order:

FINDINGS OF FACT

1. Genene Gonser-Prado D.C., Respondent, is a chiropractor licensed by the Board to practice chiropractic in the State of Texas and is therefore subject to the jurisdiction of the Board; the Chiropractic Act, Texas Occupations Code, Chapter 201; and the Board’s rules, Texas Administrative Code, Title 22, §§ 71.1-80.7.

2. On or about July 29, 2013 to August 5, 2013, Respondent ran an advertisement in the Austin American-Statesman for services outside of a chiropractor’s scope of practice.

3. On January 14, 2014, the Board’s Enforcement Committee met and voted to recommend imposition of an administrative penalty of $1,500.00, as authorized by the Chiropractic Act, TEX. OCC. CODE §
201.551, and 22 TEX. ADMIN. CODE § 75.10(c), for advertising services outside of a chiropractor's scope of practice.

CONCLUSIONS OF LAW

1. Genene Gonser-Prado D.C., Respondent, is subject to the jurisdiction of the Board and is required to comply with the Chiropractic Act and the Board's rules.

2. By advertising services outside of a chiropractor's scope of practice, Respondent violated Board rule 22 TEX. ADMIN. CODE § 77.2(b), which states:

   § 77.2 Publicity. (b) In any form of public communication, a licensee or facility shall not describe services that are inconsistent with the practice of chiropractic as described under §75.17 of this title (relating to Scope of Practice).

3. On a determination that a person has violated the Chiropractic Act or Board rules, the Board is authorized pursuant to § 201.501 of the Chiropractic Act to revoke or suspend the person's license, place on probation a person whose license has been suspended, reprimand a license holder, or impose an administrative penalty against the license holder.

NOW THEREFORE, it is the ORDER of the Texas Board of Chiropractic Examiners that:

1. Genene Gonser-Prado D.C., Respondent, shall:

   a. pay an administrative penalty of $1,500.00.00 to be paid in three equal payments of $500.00 each on October 1, 2014, November 1, 2014 and December 1, 2014; and

   b. comply with all provisions of the Chiropractic Act and the Board's rules in the future, or subject himself to further disciplinary action by the Board, including the possible revocation of his license to practice chiropractic.

2. The Agreed Final Order shall become effective upon final adoption by the Board.
By signing this Agreed Final Order, Respondent:

1. Agrees to its terms, acknowledges his understanding of it, and agrees that he will satisfactorily comply with the mandates of this Agreed Order or be subject to appropriate disciplinary action by the Board; and

2. Waives his rights to a formal hearing and any right to judicial review of this Order.

I, Genene Gonser-Prado D.C., HAVE READ AND UNDERSTAND THE FOREGOING AGREED FINAL ORDER. I UNDERSTAND THAT BY SIGNING THIS AGREED FINAL ORDER, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WILLINGLY, AND KNOWINGLY. I UNDERSTAND THIS AGREED FINAL ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, ORAL, WRITTEN, OR OTHERWISE.

Genene Gonser-Prado D.C.
License No. 6945

DATE: 9-5-14

Approved by the Texas Board of Chiropractic Examiners on this 13 day of November, 2014.

Yvette T. Yarbrough
Executive Director
Texas Board of Chiropractic Examiners
333 Guadalupe
Tower III, Ste. 3-825
Austin, TX 78701