On this 6 day of June, 2016, the Texas Board of Chiropractic Examiners ("Board") considered the matter of the license of Genene Gonser-Prado, Respondent for licensure ("Respondent").

This Board Order is executed pursuant to the authority of the Administrative Procedure Act (APA), Texas Government Code §2001.054 and the Chiropractic Act, Texas Occupations Code §§201.502 and 201.504, which authorizes the provisioning of a license under conditions. This Board order is issued after consideration of Respondent’s voluntary surrender of her chiropractic license and all certificates of facility registration in lieu of discipline.

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

FINDINGS OF FACT

1. 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 (TAC), Title 22, §§ 71.1-79.11.

2. Respondent also operated a chiropractor facility 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 (TAC), Title 22, §§ 71.1-79.11.

3. Respondent license was issued on January 12, 1996, and is currently set to expire on February 1, 2017.
4. Respondent was issued a certificate of facility registration (F007928) on September 17, 2007, for Genene Prado, D.C., a chiropractic facility (facility) located at 11200 RR 222, Austin, Texas, until it was closed by the Respondent on March 8, 2016.

5. On February 17, 2016, the Board’s Enforcement Committee met and voted to recommend revocation of Respondent’s chiropractic license and facility registrations, as authorized by the Chiropractic Act, TEX. OCC. CODE §201.551, and 22 TEX. ADMIN. CODE §78.9(c), for using the term “physician”; advertising false statements; practicing outside the scope of practice for a chiropractor; not displaying the PIP, license, and facility registration; failing to differentiate her clinic from the other business; and violating two previous AFO.

6. On May 18, 2016, the Board and the Respondent conducted an Informal Conference to resolve the matter.

7. On May 23, 2016, Respondent, through her attorney of record, offered to surrender her license and certificate of facility registration in lieu of discipline as agreed to at the Informal Conference. See Exhibit “A”.

CONCLUSIONS OF LAW

1. 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 surrendering her license and certificate of facility registration in lieu of discipline, Respondent has vitiated the need to pursue TBCE File No.’s 2016-021 and 2016-127.

3. On a determination that a person has demonstrated past unfitness to perform the duties and discharge the responsibilities of a licensed chiropractor under the Chiropractic Act or Board rules, the Board is authorized pursuant to § 201.502 of the Chiropractic Act to revoke or suspend the person’s license or place on probation a person who is applying to become a licensee.
NOW THEREFORE, it is the ORDER of the Texas Board of Chiropractic Examiners that:

1. Respondent’s surrender of her chiropractic license and certificate of facility registration is accepted by the Board.

2. This Board Order shall become immediately effective.

Approved by the Texas Board of Chiropractic Examiners on this the __ day of ___ , 20__.

Patricia Gilbert
Executive Director
Texas Board of Chiropractic Examiners
333 Guadalupe
Tower III, Ste. 3-825
Austin, TX 78701
EXHIBIT A
May 23, 2016

Mr. Bryan D. Snoddy
General Counsel
Texas Board of Chiropractic Examiners
333 Guadalupe, Suite 3-825
Austin, TX 78701-3942

Re: SOAH Docket No. 508-16-3602
TBCE Case No. 2016-021 & 2016-127

Dear Mr. Snoddy:

This is an offer of settlement made pursuant to Texas Rule of Evidence 408. Per the discussion and agreement made in the May 18, 2016 Informal Settlement Conference, Dr. Prado offers to immediately voluntarily relinquish her personal license and any corresponding facility license in exchange for the Board’s agreement to dismiss the above referenced investigations/case numbers with prejudice.

Please call me if you have questions on my direct line at 512-457-9812 or my cell at 512-576-3771.

Sincerely,

Jason R. Ray
Attorney for Dr. Gonser-Prado