

MECKLENBURG COUNTY
NORTH CAROLINA

INFORMAL SETTLEMENT
AGREEMENT

THIS AGREEMENT, entered into this ____ day of August, 1993 by and between Kelly Helmendach, D.C. and the North Carolina Board of Chiropractic Examiners,

WITNESSETH:

1. Dr. Kelly Helmendach is a licensed chiropractic physician maintaining an office and clinic in Charlotte, North Carolina.
2. The Board of Chiropractic Examiners is the State agency which licenses chiropractic physicians and enforces professional standards of practice.
3. On or about June 22, 1993, the Board received a complaint filed by Dr. Joe Siragusa alleging that on April 30, 1993 Dr. Helmendach committed malpractice and failed to render acceptable care by using acupuncture improperly upon her patient Betty Brantley, thereby causing pneumothorax of both Mrs. Brantley's lungs.
4. On or about June 22, 1993, the Board received a companion complaint also filed by Dr. Siragusa alleging that on April 30, 1993 Dr. Helmendach committed malpractice and failed to render acceptable care by using acupuncture improperly upon another of her patients, Bertie C. Bivens, thereby causing pneumothorax of Mrs. Bivens' left lung.
5. On July 22, 1993, the Chiropractic Review committee consisting of Dr. Siragusa, Dr. Gary Kliebenstein and Board Attorney Vance Kinlaw held an informal investigatory hearing on both complaints and found that probable cause did exist to refer

the complaints to the full Board of Examiners for further disciplinary proceedings.

6. General Statute 150B-22 requires that the Board of Examiners attempt to settle the controversy arising from the aforesaid complaints on an informal basis.

7. Dr. Helmendach expressly denies any liability in connection with the treatment she rendered to either Mrs. Brantly or Mrs. Bivens, and Dr. Helmendach's participation in this Agreement shall not be construed as an admission of liability.

WHEREFORE, it is hereby agreed and stipulated between the parties that:

1. Within six months after the effective date of this Agreement, Dr. Helmendach shall complete a preceptorship of 40 hours' duration, subject to the following terms and conditions:

- a. All preceptors with whom Dr. Helmendach studies shall be licensed chiropractic physicians who are certified with the Board in and actively practicing the technique of acupuncture;
- b. The preceptorship shall emphasize physical examination, record-keeping, anatomy and acupuncture;
- c. Each preceptor shall certify in writing to the Board the nature of the professional activities in which Dr. Helmendach engaged for each hour she spent under the preceptor's tutelage;

- d. Dr. Helmendach shall not practice acupuncture until the preceptorship is complete.
- 2. If Dr. Helmendach complies with terms and conditions recited herein, the Board of Examiners shall refrain from pursuing further disciplinary proceedings in connection with the complaints filed on June 22, 1993.

WITNESS our hands and seals on the date first written above.

Kelley Helmendach, D.C., Respondent (SEAL)

N.C. Board of Chiropractic Examiners
By:

Joe Siragusa, D.C., Secretary