

NORTH CAROLINA

NORTH CAROLINA BOARD

NEW HANOVER COUNTY
EXAMINERS

OF
CHIROPRACTIC

In the matter of:

BRADLEY J. WALTER, DC,

Respondent.

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FINAL AGENCY DECISION

THIS MATTER coming before the Board at its regular quarterly meeting held on July 22, 2016 in Greensboro; and after reviewing the record and hearing the recommendations of the staff, the Board makes the following:

Findings of Fact

1. The respondent, Dr. Bradley J. Walter, is a citizen and resident of New Hanover County and is a practicing chiropractic physician duly licensed by the Board. Since December 2013, Dr. Walter has maintained an office and chiropractic practice in Carolina Beach, N.C.
2. On March 25, 2015, the Secretary of the Board issued a disciplinary complaint alleging that Dr. Walter had repeatedly failed to conform to the standards of acceptable care for examination and diagnosis and for chiropractic adjustive procedures, in violation of N.C.G.S. 90-154(b)(7).
3. A preliminary hearing was held in this matter on May 28, 2015 in Wilmington. Dr. Walter was present and gave unsworn testimony before the Chiropractic Review Committee. The Committee determined that probable cause existed to refer the disciplinary complaint to the full Board.
4. Dr. Walter made the following admissions at the preliminary hearing and now reaffirms his admissions to facilitate resolution of the pending complaint:
 - a. At all times pertinent to the complaint, his office protocol did not include the taking of vital signs on any patient;
 - b. At all times pertinent to the complaint, he did not perform an initial examination capable of producing a differential diagnosis upon any new patient;
 - c. At all times pertinent to the complaint, he did not record any diagnosis for any patient other than spinal subluxation;
 - d. At all times pertinent to the complaint, he performed spinal adjustive procedures on all patients without first documenting the need for such treatment.

5. In his defense, Dr. Walter contended that his departure from the standards of acceptable care was not due to inattention or negligence but was occasioned by his professed adherence to a philosophy of chiropractic under which the physician's responsibility is limited to identifying and correcting spinal subluxations.
6. Dr. Walter now enters a plea of guilty to the charge of failing to render acceptable care as set forth in the complaint of March 25, 2015. He waives his right to contest said charge and stipulates to the imposition of the disciplinary sanctions recited herein.

BASED ON THE FOREGOING Findings of Fact, the Board enters the following:

Conclusions of Law

1. This Board is duly-constituted and has jurisdiction of subject matter and of the person of the respondent.
2. The applicable standard of proof is the greater weight of the evidence.
3. N.C.G.S. 90-154(b)(7) states that not rendering acceptable care in the practice of the profession shall be a basis for the imposition of disciplinary sanctions.
4. N.C.G.S. 90-154.3 states that the standard of acceptable care for examination and diagnosis and for chiropractic adjustive procedures shall be the usual and customary methods as taught in the majority of recognized chiropractic colleges.
5. The majority of recognized chiropractic colleges teach that vital signs are revealing indicators of a patient's overall health and should be taken during the initial examination and routinely thereafter.
6. The majority of recognized chiropractic colleges teach that chiropractic physicians should perform an initial examination that is sufficiently comprehensive to allow the physician to reasonably assess whether the patient's injury or condition can be treated successfully through chiropractic care, i.e., a differential diagnosis.
7. The majority of recognized chiropractic colleges teach that chiropractic physicians should first identify, through palpation, neurological and orthopedic testing and X-rays, if needed, the location of spinal subluxations and perform only adjustive procedures that are documented through the examination process.
8. Under the Board's published guidelines for the imposition of disciplinary sanctions, violations of N.C.G.S. 90-154(b)(7) fall within the category of Serious Violations. The presumptive sanctions for Serious Violations range from probation to one-year license suspension, depending on the applicable aggravating and mitigating factors.
9. There are no aggravating factors present in this case, and the mitigating factors are (i) the respondent has no recent history of disciplinary violations, and (ii) the respondent acknowledged culpability at an early stage of the disciplinary process. Therefore, the mitigating factors outweigh the aggravating factors.

WHEREFORE, WITH THE CONSENT OF THE RESPONDENT, IT IS HEREBY ORDERED, ADJUDICATED AND DECREED:

1. Dr. Bradley Walter is guilty as charged of not rendering acceptable care.

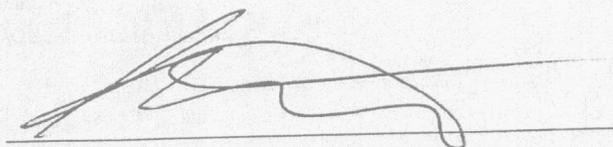
2. Dr. Walter shall immediately cease and desist from performing only cursory examinations upon new patients and shall henceforth perform examinations that include the taking of vital signs and are sufficiently thorough to produce accurate differential diagnoses.
3. Dr. Walter shall immediately cease and desist from perform spinal adjustive procedures upon patients without first documenting the need for such treatment through the examination process.
4. Dr. Walter shall be placed on probation for a period of twelve months upon the following terms and conditions:
 - a. He shall obtain a total of twelve hours of remedial continuing education that includes all subject blocs currently mandated by the Board;
 - b. At least six hours of the foregoing continuing education shall be obtained through attendance at one or more didactic, in-person seminars;
 - c. The foregoing continuing education shall be in addition to and not credited towards the annual continuing education requirement for license renewal.
5. This Final Agency Decision is a public document and shall be reported to national data banks and posted on the Board's website.

THIS IS THE 15th day of July, 2016.

N.C. BOARD OF CHIROPRACTIC EXAMINERS

By: Bradley Walter, DC
Presiding

Consent:



Bradley Walter, DC, Respondent

