

NORTH CAROLINA  
MECKLENBURG COUNTY

NORTH CAROLINA BOARD OF  
CHIROPRACTIC EXAMINERS

In the matter of: )  
 )  
**ERIC BATCHATIS, D.C.,** )  
 )  
Respondent. )

**FINAL AGENCY DECISION**

THIS MATTER coming before the Board of Chiropractic Examiners at its regular quarterly meeting held on January 26, 2018 in Greensboro; and after reviewing the record and hearing the recommendations of the staff, the Board makes the following:

Findings of Fact

1. This case was heard by a majority of the Board, Dr. Kevin Sharp presiding. Dr. Rick Davis, Secretary of the Board, was present but did not participate in the Board's deliberations due to his earlier participation in the investigation of the respondent's conduct described below.

2. The respondent, Dr. Eric Batchatis, is a chiropractic physician currently licensed by the Board and employed as an associate physician at Nova Chiropractic, 3535 Randolph Road, Suite 202, Charlotte, N.C. 28211.

3. On April 25, 2017, Dr. Ricky Sides, acting in his capacity as the Board's Director of Standards and Enforcement, initiated formal written correspondence with Dr. Batchatis pertaining to a disciplinary complaint under investigation.

4. Included in Dr. Sides's correspondence, and consistent with the staff's standard practice, was a request that Dr. Batchatis provide to the Secretary of the Board complete treatment and billing records for a patient he had treated named Roberto Cruz-Lucio. Dr. Batchatis was instructed to produce the records by May 15.

5. Dr. Sides's correspondence was received by Dr. Batchatis on April 28.

6. Between April 26 and May 15, Dr. Sides placed four telephone calls to Dr. Batchatis to inquire about the production of Mr. Cruz-Lucio's records. On each occasion, Dr. Batchatis refused to speak with Dr. Sides.

7. As of May 15, Dr. Batchatis had not tendered any of the patient records or provided any explanation as to why he had not complied with the production request.

8. On May 19, at the request of Dr. Batchatis's attorney who had not been retained until May 18, the Chiropractic Review Committee continued a scheduled probable cause hearing involving Mr. Cruz-Lucio. The hearing was also continued in part because of the lack of patient records that had been requested by Dr. Sides.

9. On May 20, Dr. Sides filed a disciplinary complaint alleging that Dr. Batchatis failed to respond to an inquiry from the Board about a matter affecting licensure, in violation of N.C.G.S. 90-154(b)(19). Dr. Sides scheduled a probable cause hearing for June 30.

10. The complaint of May 20 and a notice of hearing were duly served upon Dr. Batchatis. The notice of hearing letter included a renewed request for Mr. Cruz-Lucio's treatment and billing records and imposed a new production deadline of June 9.

11. Dr. Batchatis did not respond by June 9. However, after that deadline had passed, Dr. Sides received a portion of Mr. Cruz-Lucio's treatment records.

12. The Chiropractic Review Committee held the probable cause hearing on June 30 as scheduled. Dr. Batchatis did not attend. However, his attorney, who had filed notice of representation on May 18, appeared and tendered the balance of Mr. Cruz-Lucio's treatment records. The Committee found probable cause in connection with complaint of May 20 and referred the complaint to the full Board.

14. Dr. Batchatis's failure to make a complete and timely response to Dr. Sides's patient records request forced the Board staff to expend additional time and effort in the discharge its duties, including having to issue and serve a disciplinary complaint and hold a probable cause hearing.

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, and the burden of proof is borne by the Board staff.

3. N.C.G.S. 90-154(b)(19) states that the following conduct is grounds for disciplinary action by the Board: "Concealing information from the Board or failing to respond truthfully and completely to an inquiry from the Board concerning any matter affecting licensure."

4. A licensee's failure to promptly comply with a written request from the Director of Standards and Enforcement to produce treatment and billing records for a patient seen by the licensee and identified in a disciplinary complaint constitutes a violation of N.C.G.S. 90-154(b)(19).

5. A licensee's refusal to answer or return multiple telephone calls from the Director of Standards and Enforcement concerning the production of treatment and billings records for a patient seen by the licensee and identified in a disciplinary complaint constitutes a violation of N.C.G.S. 90-154(b)(19).

6. Dr. Batchatis hereby enters a plea of guilty to violating N.C.G.S. 90-154(b)(19).

7. A violation of N.C.G.S. 90-154(b)(19) does not reflect negatively on the quality of patient care delivered by a respondent physician and shall not be construed as any implied deviation from the standards of acceptable care.

8. N.C.G.S. 90-154(c) states, "If a licensee is found guilty in a contested case arising under subsection (b) of this section, the Board may assess the licensee the reasonable cost of the hearing held to make such a determination if the Board finds that the licensee's defense at the hearing was dilatory or not asserted in good faith."


9. Dr. Batchatis hereby stipulates that N.C.G.S. 90-154(c) may be applied to this case and that the Board's reasonable hearing costs are Two Thousand Dollars (\$2,000.00).

WHEREFORE, with the respondent's consent and pursuant to a plea arrangement negotiated by and between counsel for the respondent and counsel for the Board, it is hereby ordered, adjudged and decreed that:

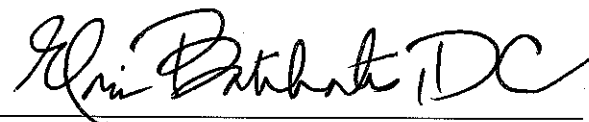
1. Dr. Eric Batchatis is guilty as charged of failing to respond completely to an inquiry from the Board about a matter affecting licensure.
2. Pursuant to N.C.G.S 90-154(a)(2), Dr. Batchatis is hereby reprimanded.
3. Within ten days after the effective date of this Final Agency Decision, Dr. Batchatis shall make restitution for hearing costs to the Board of Chiropractic Examiners in the amount of Two Thousand Dollars (\$2,000.00). Payment shall be sent to the office of the Board, 6070 Six Forks Road, Suite L, Raleigh, NC 27609.
4. 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 26<sup>th</sup> day of January 2018.

N.C. BOARD OF CHIROPRACTIC EXAMINERS

By:   
Kevin Sharp, D.C., Presiding

Consent:

  
Eric Batchatis, D.C., Respondent