

NORTH CAROLINA
ROWAN COUNTY

NORTH CAROLINA BOARD
OF CHIROPRACTIC EXAMINERS

In the Matter of:)
)
KARLA S. CRISTY, D.C.,)
Respondent.)

FINAL AGENCY DECISION

THIS MATTER coming on to be heard before the N.C. Board of Chiropractic Examiners at its regular meeting held on July 23, 2011 in Greensboro; and at the call of the case, the attorney for the Board tendered a proposed Decision agreed and stipulated to by the Secretary of the Board and the respondent. Upon recommendation of the Board staff, and with the consent of the parties, the Board makes the following:

Findings of Fact

1. This case was heard by a majority of the Board, Dr. Ron Wahler, presiding. Dr. Randy Schilsky, Secretary of the Board, was present but did not actively participate in the Board's deliberations due to his earlier participation in the investigation of the charges against the respondent.

2. The respondent, Dr. Karla S. Christy, is a resident of Rowan County and a duly licensed chiropractic physician maintaining an office in Salisbury, North Carolina.

3. This matter comes before the Board upon a formal complaint filed on May 25, 2011 by the Secretary of the Board. The complaint alleges that Dr. Christy deliberately falsified her attendance at a continuing education seminar in order to receive 12 hours' credit she had not earned, in violation of Section 90-154(b)(9) of the Chiropractic Practice Act.

4. Dr. Christy waives preliminary hearing before the Chiropractic Review Committee, stipulates that probable cause exists to refer this matter to the full Board, tenders a plea of guilty to the complaint of May 25, 2011 and stipulates to all Findings of Fact herein.

5. On December 4-5, 2010, the N.C. Chiropractic Association sponsored a 12-hour seminar in Raleigh that had been approved for license renewal credit by the Board of Examiners. Dr. Christy paid the registration fee to attend the seminar.

6. Dr. Christy did not in fact attend the seminar and was not physically present in the State on the weekend the seminar was held. In her place, she sent a chiropractic assistant who worked for her. She instructed her assistant to sign-in on both days using the name Karla Christy, which the assistant did. In due course, the seminar sponsor certified that Dr. Christy had attended the seminar.

7. Dr. Christy's purpose in resorting to this subterfuge was to obtain 12 hours' license renewal credit for the calendar year 2010. She did receive credit, and her license to practice chiropractic was renewed for 2011. Without the credit she falsely applied for, Dr. Christy would not have been eligible for license renewal in 2011.

BASED ON the foregoing Findings of Fact, the Board enters the following:

Conclusions of Law

1. The Board of Chiropractic Examiners is duly constituted and has jurisdiction of subject matter and of the person of the respondent. The complaint filed May 25, 2011 is properly before the Board for adjudication on the merits. The burden of proof is borne by the staff of the Board, and the standard of proof is the greater weight of the evidence.

2. N.C.G.S. 90-154(b)(9) states that committing or attempting to commit fraud, deception, or misrepresentation shall be grounds for disciplinary action by the Board.

3. A chiropractic physician's representations to the Board that she had attended a live seminar and was entitled to license renewal credit based on her attendance, when in fact she had not attended the seminar, constitutes a violation of N.C.G.S. 90-154(b)(9).

4. Under the Chiropractic Disciplinary Guidelines currently used by the Board, committing fraud, deception or misrepresentation falls within the "Most Serious" category of disciplinary violations. The presumptive sanctions for this category, when neither aggravating nor mitigating factors predominate, range from 90-day license suspension to permanent license revocation.

5. Part III of the Chiropractic Disciplinary Guidelines sets forth numerous aggravating and mitigating factors commonly considered by the Board in selecting sanctions. Pursuant to Part III, the Board finds as follows:

A. There are no aggravating factors present in Dr. Christy's case.

B. The mitigating factors present in Dr. Christy's case are that she has no history of disciplinary violations; her conduct was isolated and not repetitious; she acknowledged culpability at an early stage of the disciplinary process, cooperated with the Board, and voluntarily undertook remedial measures prior to the disposition of the case; and she exhibited remorse.

6. In the judgment of the Board, the mitigating factors outweigh the aggravating factors, and disciplinary sanctions falling below the presumptive range for a "Most Serious" violation are appropriate.

WHEREFORE, BY CONSENT, the North Carolina Board of Chiropractic Examiners hereby finds the respondent, Karla S. Christy, guilty of committing fraud, deception or misrepresentation, in violation of G.S. 90-154(b)(9). It is ordered, adjudged and decreed that Dr. Christy be sanctioned as follows:

1. The 12 hours of continuing education credits awarded to Dr. Christy based on her falsified attendance at the seminar of December 4-5, 2010 are stricken from her licensure record.
2. Dr. Christy shall take 12 hours of approved continuing education to replace the hours that have been stricken from her record. (The Board notes that Dr. Christy has already complied with this sanction.)
3. Dr. Christy shall take an additional 12 hours of approved continuing education in ethics and boundaries. These additional hours shall be obtained prior to the end of 2011 and shall not count towards satisfying the annual license renewal requirement. In order to be eligible for licensure renewal in 2012, Dr. Christy must obtain 24 hours of approved continuing education in addition to the 12 hours in ethics and boundaries mandated by this Decision.

This Decision shall become effective on the date of ratification. This Decision is a public document and shall be reported to national data banks and to the licentiate body by summary in the Board's next newsletter.

RATIFIED THIS the 23rd day of July, 2011.

NORTH CAROLINA BOARD OF CHIROPRACTIC EXAMINERS

By: Ron Wahler, D.C.
Ron Wahler, D.C., Acting President

Randy Schilsky, D.C., Secretary

Consent:

Karla S. Christy, D.C.
Karla S. Christy, D.C., Respondent