

BEFORE THE
NORTH CAROLINA BOARD
OF CHIROPRACTIC EXAMINERS

In re:)	
)	
Thomas H. Kerr, DC)	CONSENT ORDER
)	&
)	FINAL AGENCY
Respondent.)	DECISION
)	

This matter is before the North Carolina Board of Chiropractic Examiners (hereinafter Board) based upon a Complaint filed by Kerrie Mowder, dated on or about July 25, 2013, against Thomas H. Kerr, D.C. (hereinafter Dr. Kerr). This Complaint relates to care provided by Dr. Kerr on or about May 24, 2013. Dr. Kerr admits, and the Board finds and concludes the following:

Whereas, the Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Article 8 of Chapter 90 of the North Carolina General Statutes, and

Whereas Dr. Kerr is a chiropractic physician licensed by the North Carolina Board of Chiropractic Examiners, license number 1556, and

Whereas, during the times relevant herein, Dr. Kerr practiced chiropractic medicine in Charlotte, North Carolina, and

Whereas the Board had occasion to review the care of Complainant Kerrie Mowder by Dr. Kerr, and

During the course of this matter, the a Probable Cause Review Committee reviewed aspects of Dr. Kerr's care of Ms. Mowder and determined that Dr. Kerr may have departed from standards of acceptable care as defined in N.C.G.S. 90-154.3 The following potential concerns were identified by the Review Committee: (1) whether Dr. Kerr performed an adequate examination, (2) whether Dr. Kerr developed an appropriate treatment plan and (3) whether Dr. Kerr generated and maintained adequate records.

Whereas the Board's review of Dr. Kerr's treatment of the Complainant indicated a desire by Dr. Kerr to appropriately manage the Complainant's pain and discomfort with a holistic approach. The review of evidence before this Board further indicates that Dr. Kerr utilized accepted chiropractic techniques including manual adjustments, massage therapy and applied kinesiology, and

Whereas Dr. Kerr additionally contends his clinical care of the above described patient was appropriate; however, Dr. Kerr would like to resolve this matter without the need for formal proceedings, and

Whereas the Board and Dr. Kerr acknowledge that evidence exists that the Complainant presented for care on May 24, 2013, and that Dr. Kerr did not fully document his examination or treatment plan of the patient, and

Whereas the Board and Dr. Kerr acknowledge that evidence exists that Dr. Kerr did, in fact, perform aspects of an initial exam and discussed aspects of his treatment plan with the patient, and

Whereas the Board has determined that it is in the public interest to resolve this case as set forth below;

Now, therefore, with Dr. Kerr's consent, it is ORDERED that:

1. Dr. Kerr shall be, and hereby is, placed on probationary status for a period of twelve months, as evidence exists that he failed to fully document his initial examination and treatment plan for this patient.

2. During this probationary period, Dr. Kerr shall obtain an additional 6 hours of Continuing Chiropractic Education in addition to all hours required of any North Carolina licensed chiropractor for annual license renewal. The additional six hours shall include two hours related to examination and diagnosis, two hours related to record keeping and two hours related to Medicare compliance.

3. Dr. Kerr shall obey all laws, rules and regulations involving the practice of chiropractic medicine.

This Consent Order shall take effect immediately upon its execution by both Dr. Kerr and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.

Dr. Kerr hereby waives any requirement under law or rule that this Consent Order be served on him.

Upon execution by Dr. Kerr and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies, and clearinghouses as required by and permitted by law including, but not limited to, the Federation of Chiropractic Licensing Boards, the National Practitioner's Data Bank, and the Healthcare Integrity and Protection Data Bank.

It is the express intent of all parties to this Consent Order that the findings and conclusions of this Consent Order are related only to resolution of a disputed Administrative Matter and are not intended to, and expressly do not, reflect any admission of wrongdoing or negligence by Dr. Kerr in any forum, including any potential civil litigation initiated by

Complainant. The parties to this Consent Order further mutually acknowledge that the legal standards applicable to this administrative law matter differ from legal standards applicable to any potential civil litigation.

This the 26th day of April^{MM}, 2014. CM

NORTH CAROLINA BOARD OF
CHIROPRACTIC EXAMINERS

By: Bull Hutto DC
Presiding

Consented to this the 9th day of May, 2014.

Thomas H. Kerr
Thomas H. Kerr, DC