

**BEFORE THE NORTH CAROLINA BOARD
OF CHIROPRACTIC EXAMINERS**

In the matter of:)	
)	
ERIK R. MADSEN, D.C.)	FINAL DECISION
LICENSE NUMBER 3208)	AND ORDER
)	

This matter was heard on April 17, 2020 at an administrative hearing of the North Carolina Board of Chiropractic Examiners ("Board") pursuant to Article 3A, Chapter 150B of the North Carolina General Statutes and Article 8, Chapter 90 of the North Carolina General Statutes. With consent of the parties, the hearing was conducted as a virtual hearing, using ZOOM call technology.

Board members present were Kevin Sharp, D.C. and Presiding Officer; Thomas Ayres, III, D.C.; Christopher Outten, Ray Chavez, D.C.; John Hammer, D.C.; and Kimberly Swintosky. Also present on the call were Joe Siragusa, D.C., Executive Director of the Board, and Lisa-Hicks Jones, Board Investigator. The Board was assisted and advised by Administrative Law Counsel Frank Gray. Prosecuting attorney for the Board was M. Jackson Nichols. Dr. Erik R. Madsen ("Licensee") was present and represented by attorney Dale Curriden.

Based upon the testimony and evidence presented, and after considering argument of counsel, the Board makes the following:

FINDINGS OF FACT

1. The Board is a body duly organized under the laws of North Carolina and is the proper party to conduct this proceeding under the authority granted to it in Article 8, Chapter 90 of the North Carolina General Statutes.
2. Licensee Eric R. Madsen is the holder of North Carolina Doctor of Chiropractic License Number 3208, which was first issued on August 5, 2003 and was set to expire on December 31, 2019. He is in the private practice of chiropractic in Franklin, N.C. He is a solo practitioner using the business name of Mountain View Chiropractic and Wellness Center.
3. Following a Board hearing on December 13, 2019, the License of Dr. Erik R. Madsen was suspended. In accordance with the Board's Final Agency Decision entered January 15, 2020, the license was suspended until such time as Dr. Madsen complied with the following:
 - A. Licensee shall, at his expense, take and pass the Ethics and Boundaries Essay Examination administered by Ethics and Boundaries Assessment Services, LLC, to include the following three components: Boundary Violations, Professional Standards, and Unprofessional Conduct. Successful completion of the Ethics and Boundaries Essay Examination as set forth in this paragraph shall be a precondition of Licensee's reinstatement.

B. Successful completion of a Board-approved course in patient treatment documentation and record keeping, with a minimum of 6 hours of training.

4. At the hearing, the following witness was called to testify on behalf of the Licensee:

Erik R. Madsen, D.C.

5. At the hearing, the following exhibits were presented and admitted into evidence with consent of both parties:

<u>Exhibit No.</u>	<u>Description</u>
1.	Notice of Administrative Hearing
2.	Acceptance of Service
3.	Final Agency Decision – January 15, 2020
4.	Documentation Course Certificate of Completion
5.	Ethics and Boundaries Exam Confirmation of Passing Scores
6.	Cervical/Thoracic Exam Form
7.	Lumbosacral Exam Form
8.	Treatment Plan
9.	Informed Consent
10.	Daily Visit Form

6. Licensee arranged to take, and successfully completed the coursework provided in the Final Agency Decision.

7. During the time of his suspension, Licensee did see a few of his former patients and a few new patients, but only used holistic energy techniques and did not engage in chiropractic practice.

8. During the time of his suspension, Licensee changed the sign on his office, removed chiropractic diplomas from his office, and advised his patients that he was not currently a Doctor of Chiropractic.

9. Licensee is willing to provide evidence of improved patient documentation as a condition of license reinstatement.

10. Licensee is willing to abide by a requirement that a female employee or female associate be present whenever he treats a female patient, as a condition of his license reinstatement.

Based on the foregoing Findings of Fact, the Board enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. The Notice of Administrative Hearing was properly served on the Licensee in accordance with N.C. Gen. Stat. §150B-38. This matter was properly before the Board, and the Board has jurisdiction over Licensee and the subject matter of this case.

2. Pursuant to the provisions of N.C. Gen. Stat. §90-154 and G.S. Chapter 150B, the Board is vested with the power and authority to revoke or suspend a license to practice chiropractic and impose such other conditions and restrictions on a licensee as it deems fit and proper in furtherance of its duty to protect the public.

3. Licensee has satisfactorily completed the coursework required for reinstatement of his license, as set forth in the Board's Final Agency Decision dated January 15, 2020, specifically the Ethics and Boundaries Essay Examination and the Documentation Course.


Based upon the foregoing Findings of Fact and Conclusions of Law, the Board enters the following:

ORDER

1. The N.C. Doctor of Chiropractic License of Dr. Erik R. Madsen (License Number 3208) is hereby reinstated, subject to the following conditions:

- A. Twelve months probationary status.
 - B. During the term of probation, Licensee shall provide copies of three patient records quarterly to Dr. Anthony Hamm for review, with a copy to the Board. The Licensee shall bear the expense of this record review. Licensee shall comply with any recommendations by Dr. Hamm.
 - C. During the term of probation, Licensee shall have a female employee or female associate present at any time a female patient is being treated and/or examined. Licensee shall provide the name of this female employee or associate to the Board staff.
2. Upon satisfactory completion of these conditions during the probationary period, the N.C. Doctor of Chiropractic License of Dr. Erik Madsen shall be reinstated to regular license status.

This the 23 day of April 2020.


Kevin Sharp, D.C.
Board President and Presiding Chair
North Carolina Board of Chiropractic
Examiners

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that the undersigned has this date served the foregoing Final Decision and Order upon Licensee identified in this Order by:


Placing a copy of the same in a postpaid, properly addressed wrapper in a post office or other official depository under the exclusive care and custody of the United States Postal Service, electronic correspondence or by other method of delivery as authorized by the North Carolina Rules of Civil Procedure and properly addressed to counsel for Licensee at the address below.

Dale Curriden, Attorney-at-Law
Counsel to the Licensee
Van Winkle Law Firm
11 North Market Street
Asheville, NC 28801

With a copy to:
M. Jackson Nichols
Nichols, Choi and Lee
Counsel to the Board
4700 Homewood Court, Suite 220
Raleigh, N.C. 27609

And to:
Joe Siragusa, Executive Director
NC State Board of Chiropractic Examiners
6070 Six Forks Rd. Ste. L
Raleigh, NC 27609

This the 24th day of April 2020.


R. Frank Gray
Jordan Price Wall Gray Jones & Carlton
Administrative Law Counsel to the
N.C. Board of Chiropractic Examiners
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