

BEFORE THE NORTH CAROLINA BOARD OF CHIROPRACTIC EXAMINERS

N.C. BOARD OF CHIROPRACTIC)
EXAMINERS)
Petitioner,)
)
)
v.)
)
HOWARD RUDERFER,)
Respondent)

CONSENT ORDER

This CONSENT ORDER, is made between the N.C. Board of Chiropractic Examiners (“Board”), acting through John P. Hammer, in his official capacity as Secretary of the Board (“Secretary”) and Chair of the Chiropractic Review Committee (“Committee”) who presided over the Chiropractic Review Committee’s (“Committee”) interview of Respondent on February 25, 2021; and , D.C. (“Respondent”) (collectively, “Parties”). The Parties agree, for the purposes of resolving a pending disciplinary action and potential contested case against Respondent, to the following:

WITNESS THAT:

WHEREAS, the Board received a complaint regarding the actions of the Respondent on January 1, 2021;

WHEREAS, the parties, in addition to the Board Executive Director and counsel for the Board, met for an interview on February 25, 2021;

WHEREAS, during the interview, Respondent was provided the opportunity to discuss the complaint against him;

WHEREAS, Dr. Hammer, in his role as the Chair of the Chiropractic Review Committee presiding over the interview in the above-referenced matter,

WHEREAS, the parties wish to resolve and settle this matter without a revocation or suspension of the Respondent’s license;

NOW, THEREFORE, pursuant to N.C. Gen. Stat. § 150B-22, which mandates that whenever possible disputes between a regulatory agency and another person that involves the person’s rights, duties or privileges to be settled through informal procedure, and pursuant to N.C. Gen. Stat. § 150B-41(c), which authorizes settlement of a contested case by consent, the Parties hereby agree and stipulate as follows:

I. Jurisdiction:

The Board is an occupational licensing board of the State of North Carolina, organized

under N.C. Gen. Stat. § 90-139, *et. seq.* The Board has jurisdiction over this matter pursuant to N.C. Gen. Stat. § 90-154 *et. seq.*, N.C. Gen. Stat. § 150B-1, *et. seq.*, and 21 N.C. Admin. Code 10 .0103, *et. seq.*

II. Identification of Licensee/Respondent:

Howard Ruderfer ("Respondent"), owns Hatteras Island Chiropractic and Massage, located at 48045 NC Hwy 12, Raleigh, NC 27920. He also maintains a valid license in Virginia where he travels to practice.

III. Waiver of Rights:

In order to resolve this matter by a Consent Order, Respondent agrees that the Board staff and counsel may discuss this Informal Settlement Agreement with Dr. Hammer in his role as the Presiding Board Member of this matter and any subcommittee that may be assigned to this matter *ex parte* whether or not the Board accepts this Consent Order as written.

IV. Stipulation to Facts:

The Parties stipulate to the following facts:

- A. The Board received a complaint by Mr. Matt Barclay of Bowie, Maryland:
1. The Complainant contacted the Respondent on 12/7/2021 regarding ongoing pain while visiting from Maryland.
 2. The Respondent treated the Complainant on 12/8/2021.
 3. Respondent did give exceptional service to the complainant.
 4. Under the Executive Order issued by Governor Roy Cooper on May 20,2020 (known as Executive Order 141 mandating face masks indoors within 6 feet), chiropractors are subject to the State and municipal regulations under § 90-157.
- B. The Respondent was sent a letter of caution by Dr. Hammer on January 4,2021, with a warning of possible misdemeanor charges and disciplinary action should the Respondent not comply with the Governor's executive orders.
- C. Based on the complaint and the interview, the following facts are undisputed:
1. Respondent is a licensed chiropractor in the state of North Carolina presently in good standing.
 2. Respondent did provide treatment to the Complainant.
 3. The parties wish to settle this matter without a hearing and on a non-disciplinary basis.

V. Stipulated Informal Settlement Agreement:

A. Stipulation to Applicable Sections of Law:

Respondent does not admit to allegations set forth in the Complaint but does agree to abide by the Executive Orders set forth previously.

B. Stipulation to Sanction

In lieu of proceeding to hearing, the Parties hereby enter into this Consent Order, whereby Respondent and the Board agree to the following terms:

1. Respondent admits the **Stipulation to Facts** above;
2. Respondent shall complete all other requirements for licensure as a chiropractor in North Carolina.
3. Respondent will be on probation for 12 months. At the end of this period, Respondent may send a letter to the board requesting that the Probationary status be removed from his license. During the probationary period the Respondent is subject to sporadic audits.
4. Respondent will obtain a total of 24 hours of continuing education in both Record Keeping and examination procedures within 3 months of execution of this order. The 24 hours will NOT count toward Respondent's annual continuing education license renewal requirements. Respondent will submit any proposed coursework for this requirement to the board for PRIOR approval. An example of such a course is: <https://www.dconline.org/courses/risk-management-in-chiropractic-record-keeping/>
5. Due to information stated by the Respondent during the interview, the Respondent shall provide an opinion from a psychological evaluation regarding the Respondent's ability to practice as a chiropractic physician. This is to be completed within 6 months from the beginning of the probationary period.
6. Respondent agrees to comply with the statutes and guidelines for the practice of chiropractic care in North Carolina. If, during the period of probation, the Board staff receives evidence that Respondent has violated any of the above conditions, the Board staff may schedule a Show Cause Hearing for a determination of the violations.

C. This Consent Order and its provisions are effective on the date of signature by the Board's Secretary.

D. Any modification of this Consent Order must be pre-approved in writing by the

Board and signed by the Board Secretary or designee before it may be effective.

- E. Failure by the Respondent to meet the terms of this Consent Order, either in substance or in timing, is a violation of N.C. Gen. Stat. § 90-154(a)(2).
- F. This Consent Order is not a negative action and does not require reporting by the Board.
- G. Communications with Respondent regarding compliance with this Consent Order may occur between the Board staff and respondent.

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CONSENTED TO THIS THE 1st DAY OF April 2021

H Ruderfer D.C.
Howard Ruderfer D.C.
Howard Ruderfer
Hatteras Island Chiropractic and Massage
48045 NC Hwy 12
Buxton, NC 27920

4-1-21
Date

John P. Hammer
John P. Hammer, D.C.
Board Secretary

4-9-21
Date

M. Jackson Nichols
M. Jackson Nichols
General Counsel for NCBCCE
Nichols, Choi & Lee, PLLC
4700 Homewood Court, Suite 220
Raleigh, N.C. 27609

7 April 2021
Date