

1 State of California
2 Board of Chiropractic Examiners
3 2710-N Gateway Oaks Dr., Ste. 100
4 Sacramento CA 95833
5 (916) 263-5355

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**BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF CALIFORNIA**

In the Matter of the Application of:

Walter Kenton Barr
12451 Powerhouse Road
Potter Valley, CA 95469

Applicant.

No. 2001-191

STIPULATION AND AGREEMENT
FOR ISSUANCE OF PROBATIONARY
LICENSE

In the interest of prompt settlement of this matter, consistent with the public interest and the responsibility of the Board of Chiropractic Examiners ("the Board"), the parties submit this Stipulation and Agreement to the Board for its approval and adoption as final disposition in this matter.

IT IS STIPULATED by and between the Board and Applicant Walter Kenton Barr, as follows:

1. Currently pending before the Board is an application for a reciprocal license dated June 25, 1999, of Walter Kenton Barr ("Applicant") for licensure as a chiropractor. The Applicant was convicted in 1972 for disorderly conduct; in 1974 for possession of dangerous drugs; and, in 1982 and in August 1998 for driving while his ability was impaired. All of the aforementioned convictions occurred in the State of Colorado.

2. The prior criminal conduct constitutes cause for the Board to impose probationary terms and conditions on a license to practice chiropractic, pursuant to California Code of Regulations Section 325.

3. The Board and Applicant wish to resolve this matter without further administrative proceeding. Applicant is fully aware of his right to a hearing, his right to confront and cross-examine witnesses against him, his right to the use of subpoenas to compel the attendance of witnesses and the

1 production of documents in both defense and mitigation of the charges, his right to reconsideration,
2 appeal and any and all other rights accorded by the California Administrative Procedure Act and other
3 applicable laws. Applicant knowingly and voluntarily waives each of these rights.

4 4. Applicant knowingly and intelligently waives and gives up each and every one of the above
5 enumerated rights and agrees that the matter of his application may be resolved pursuant to the instant
6 stipulation.

7 5. The admissions, stipulations and recitals contained herein are solely for the purposes of
8 this or any future proceedings between applicant and the Board and are to be inadmissible in all collateral
9 proceedings.

10 6. In consideration of these stipulations, admissions and waivers, it is agreed that the Board
11 may issue the following order:

12 **ORDER**

13 Applicant shall take and pass the licensure exam currently required of new applicants within two
14 years of the effective date of this decision. Upon passage of the required exam, a license shall be issued
15 to the Applicant. Said license shall immediately be revoked, the order of revocation stayed and the
16 license placed on probation for five (5) years on the following terms and conditions:

17 A. **Alcohol - Abstain From Use.** Applicant shall abstain from the use of alcoholic
18 beverages.

19 B. **Blood and/or Urine Testing.** Applicant shall immediately submit, with or without prior
20 notice, to blood and/or urine testing, at Applicant's expense, upon the request of the board or its
21 designee. The length and frequency of this testing requirement will be determined by the board. Any
22 confirmed positive finding will be considered a violation of probation.

23 C. **Supervision of Practice.** Within thirty (30) days of the effective date of this decision,
24 Applicant shall submit to the board, for its prior approval, a plan of practice in which Applicant's practice
25 shall be supervised by another doctor of chiropractic including the name and qualifications of three
26 proposed supervisors. Each proposed supervisor shall be a California licensed chiropractor, who shall
27 submit written reports to the board on a quarterly basis verifying that supervision has taken place as

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1 required and including an evaluation of Applicant's performance. Applicant shall not practice until he has
2 received notification that the board has approved his supervisor. It shall be the Applicant's responsibility
3 to assure that the required reports are filed in a timely fashion. Applicant shall give the supervisor access
4 to the Applicant's fiscal and patient records. The supervisor shall be independent, with no prior business
5 professional or personal relationship with Applicant. If the supervisor resigns or is no longer available,
6 Applicant shall, within 15 days, move to have a new monitor appointed, through nomination by Applicant
7 and approval by the board. Applicant shall not practice until a new supervisor has been approved by the
8 board. All costs of the supervision shall be borne by Applicant. Supervision shall consist of at least one
9 (1) hour per week in individual face to face meetings. Failure to comply with this condition shall be
10 considered a violation of probation.

11 **D. Obey All Laws.** Applicant shall obey all federal, state and local laws, and all statutes and
12 regulations governing the practice of Chiropractic in California.

13 **E. Quarterly Reports.** Applicant shall submit quarterly reports under penalty of perjury on
14 a form entitled "Quarterly Probation Report" (No. QPR100 (Rev. 1/99)), certifying and documenting
15 whether there has been compliance with all conditions of probation. If the final probation report is not
16 made as directed, probation shall be extended automatically until such time as the final report is made.

17 **F. Probation Monitoring.** Applicant shall pay the costs associated with probation
18 monitoring each and every year of probation. Applicant shall comply with the board's probation
19 compliance monitoring program. Failure to pay costs or comply with probation monitoring shall be
20 considered a violation of probation.

21 **G. Interview with Board.** Applicant shall appear in person for interviews with the board's
22 enforcement staff, the full board, or its designee upon request at various intervals and with reasonable
23 notice.

24 **H. Continuing Education.** Applicant shall provide evidence of continuing education,
25 required for license renewal, if requested by the board.

26 **I. Tolling of Probation.** If Applicant leaves California to reside or practice outside this
27 state, or for any reason should Applicant stop practicing chiropractic in California, Applicant must notify
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1 the board in writing of the dates of departure and return or the dates of non-practice within ten (10) days
2 of departure or return. Non-practice is defined as any period of time exceeding thirty (30) days in which
3 Applicant is not engaging in the practice of chiropractic as defined in section 302 of the California Code
4 of Regulations. Periods of temporary residency or practice outside the state or of non-practice within
5 the state shall not apply to reduction of the probationary period. It shall be a violation of probation for
6 Applicant's probation to remain tolled pursuant to the provisions of this condition for a period exceeding
7 a total, consecutive period of three years.

8 **J. Tolling of Suspension.** If Applicant leaves California to reside or practice outside this
9 state, or for any period exceeding ten (10) days (including vacation), Applicant must notify the board in
10 writing of the dates of departure and return. Periods of residency or practice outside the state or any
11 absence exceeding a period of ten (10) days shall not apply to the reduction of the suspension period.

12 Applicant shall not practice chiropractic upon returning to this state until notification by the board
13 the period of suspension has been completed.

14 **K. No Preceptorships or Supervision of Interns.** Applicant shall not supervise any intern
15 and shall not perform any of the duties of a preceptor.

16 **L. Violation of Probation.** If Applicant violates probation in any respect, the board, after
17 giving Applicant notice and the opportunity to be heard, may revoke probation and carry out the
18 disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation is filed against
19 Applicant during probation, the board shall have continuing jurisdiction until the matter is final, and the
20 period of probation shall be extended until the matter is final.

21 If Applicant has not complied with any term or condition of probation, the board shall have
22 continuing jurisdiction over Applicant, and probation shall automatically be extended until all terms and
23 conditions have been met or the board has taken other action as deemed appropriate to treat the failure
24 to comply as a violation of probation, to terminate probation, and to impose the penalty which was
25 stayed.

26 **M. Notification of Employment.** Within ten (10) days of a change in employment -- either
27 leaving or commencing employment -- Applicant shall so notify the board in writing, including the

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1 address of the new employer.

2 N. **Notice to Employers.** Applicant shall notify all present and prospective employers of the
3 decision in case No. 2001-191 and the terms, conditions and restrictions imposed on Applicant by the
4 decision.

5 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
6 Applicant undertaking new employment, Applicant shall cause his employer to report to the board in
7 writing acknowledging the employer has read the decision in case No. 2001-191.

8 "Employment" within the meaning of this provision shall include any full-time, part-time or
9 temporary service as a chiropractor.

10 O. **Notice to Employees.** Applicant shall, upon or before the effective date of this decision,
11 ensure that all employees involved in chiropractic operations are made aware of all the terms and
12 conditions of probation, either by posting a notice of the conditions of the terms and conditions,
13 circulating such notice, or both. If the notice required by this provision is posted, it shall be posted in
14 a prominent place and shall remain posted throughout probation. Applicant shall ensure that any
15 employees hired or used after the effective date of this decision are made aware of all the terms and
16 conditions by posting a notice, circulating a notice, or both.

17 "Employees" as used in this provision includes all full-time, part-time, temporary and independent
18 contractors employed or hired at any time during probation.

19 P. **License Surrender.** Following the effective date of this decision, if Applicant ceases
20 practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of
21 probation, Applicant may voluntarily tender his license to the board. The board reserves the right to
22 evaluate the Applicant's request and to exercise its discretion whether to grant the request, or to take any
23 other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of
24 the tendered license, Applicant will no longer be subject to the terms and conditions of probation.
25 Applicant shall relinquish his wall license and pocket renewal license to the board or its designee within
26 ten (10) days from the date of acceptance.

27 Q. **Completion of Probation.** Upon successful completion of probation, Applicant's license
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1 will be fully restored.

2 CONTINGENCY

3 This Stipulation shall be subject to the approval of the Board. If the Board fails to adopt this
4 Stipulation as its order, the Stipulation shall be of no force or effect for either party, nor shall it be
5 mentioned or referred to in any legal action between the parties.

6 SUBMISSION OF STIPULATION AND ACCEPTANCE

7 I have read and reviewed the terms and conditions of this Stipulation and Order. I understand
8 that this is an offer in settlement made to the Board of Chiropractic Examiners of the State of California
9 and will not become effective unless and until the Board formally adopts the Stipulation as its decision
10 in this matter. I expressly acknowledge that if adopted, my chiropractic license shall be granted under
11 certain specified terms and conditions. I voluntarily enter into this Stipulation and agree to be bound by
12 the terms of the order herein.

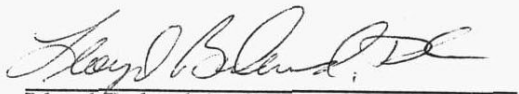
13 Dated: Aug 3, 2000

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15 WALTER KENTON BARR

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ADOPTION AND DECISION

The Stipulation and Agreement for Issuance of Probationary License in this matter is formally adopted as the Decision against Walter Kenton Barr, by the Board of Chiropractic Examiners of the State of California on this 27 day of September, 2000, and shall become effective on October 2,, 2000.



Lloyd Boland, D.C.
Chairman
Board of Chiropractic Examiners
State of California

Complainant