

TBCE CASE NO. 2018-190

IN THE MATTER OF	§	BEFORE THE TEXAS BOARD
CLAYTON ALLAN HANSEN, D.C.	§	OF
LICENSE NO. 11629	§	CHIROPRACTIC EXAMINERS

AGREED ORDER

This Agreed Order (AO) is executed under Texas Government Code §2001.056, which authorizes the informal disposition of contested cases. The Texas Board of Chiropractic Examiners (Board) and Clayton Allan Hansen, D.C. (Respondent), agree to resolve this matter by entering into this AO.

The Board makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Respondent is a chiropractor licensed by the Board to practice chiropractic in Texas.
2. On June 24, 2018, the Board received a complaint against Respondent alleging he was advertising for services outside the scope of chiropractic. A Board investigator found that Respondent's website contained the following advertisements for IV therapy: "IV therapy is a popular functional medicine therapy that Dr. Hansen uses to get vital nutrients, minerals, and antioxidants directly into your blood stream... Dr. Hansen meets with you prior to your IV therapy session to determine what types and amounts of vitamins and nutrients will serve you best. He inserts the IV into your veins, where the infusion lasts for about an hour... IV therapy helps numerous conditions including: fibromyalgia, chronic fatigue, irritable bowel syndrome, colds and flu, cancer, macular degeneration, essential tremors, Parkinson's disease, and asthma."
3. In his written response to the complaint, Respondent explained that his clinic is a multidisciplinary practice with medical staff and stated his belief that his website content developers mixed up the names of which services were being provided by particular providers. He took full responsibility and hired a consultant to review his website and other professional materials, which were then updated to more clearly denote his licensure and background as a doctor of chiropractic and to clarify that medical services were handled by his medical staff.

CONCLUSIONS OF LAW

1. Respondent is subject to the jurisdiction of the Board and is required to comply with Texas Occupations Code (Occupations Code) Chapter 201 and 22 Texas Administrative Code (TAC) Chapters 71-82.

2. Under Occupations Code §201.502(a)(9), the Board may discipline a licensee for using an advertising statement that is false or that tends to mislead or deceive the public. Here, Respondent's advertising statements that he personally used IV therapy to get vital nutrients, minerals, and antioxidants directly into patients, that he personally determined what types and amounts of vitamins and nutrients would serve patients best, and that he personally inserted the IV into patients' veins were deceptive and misleading because he did not personally perform any of the services. There was no reference in any of the advertising materials to any provider other than Respondent. Therefore, Respondent violated Occupations Code §201.502(a)(9).
3. Under 22 TAC §77.1(a), licensees may not use any public communication or advertising indicating the licensee provides services outside the scope of practice. Here, Respondent advertised for IV therapy personally provided by him. Incisive procedures, including the insertion of IV's into a patient's veins, are specifically prohibited from the scope of practice in Texas Occupations Code §201.002 and 22 TAC §78.2. Therefore, Respondent violated 22 TAC §§78.2 and 77.1(a).
4. On a determination that a person has violated Occupations Code Chapter 201 or 22 TAC Chapters 71-82, the Board is authorized under Occupations Code §201.501 to revoke, suspend or place a person's license on probation, reprimand a license holder, or impose an administrative penalty.

THEREFORE, it is the ORDER of the Texas Board of Chiropractic Examiners that Respondent shall:

1. Pay an administrative penalty of \$1,500.00 to the Board within 30 days of the effective date of this AO;
2. Take and pass the Board's Jurisprudence Examination at his expense within 30 days of the effective date of this AO; and
3. Comply with all provisions of Occupations Code Chapter 201 and 22 TAC Chapters 71-82 in the future, or subject himself to further disciplinary action by the Board.

By signing this AO, Respondent:

1. Acknowledges understanding the AO's terms;
2. Agrees to comply with the AO's requirements;
3. Waives all rights to a formal hearing and any right to judicial review of the AO; and
4. Understands that the AO may be considered as part of Respondent's disciplinary history in case of future actions taken against Respondent.

This AO shall become effective immediately upon signature by the Respondent.

THIS ORDER IS A PUBLIC RECORD.

I, Clayton Allan Hansen, D.C., have read and understand the foregoing AO. I understand that by signing this AO, I waive certain rights. I sign it voluntarily, willingly, and knowingly under penalty of perjury. I understand this AO contains the entire agreement. There is no other agreement, oral, written, or otherwise.



Clayton Allan Hansen, DC
License No. 11629

DATE: 07/15/21



Patrick Fortner
Executive Director

DATE: June 28, 2021

Approved by the Texas Board of Chiropractic Examiners on August 19, 2021.