

IN THE MATTER OF	§	BEFORE THE
Kaled Jawhari, D.C.	§	TEXAS BOARD OF
LICENSE NO. 9274	§	CHIROPRACTIC EXAMINERS

**AGREED FINAL ORDER**

On this 20 day of August, 2015, the Texas Board of Chiropractic Examiners ("Board") considered the matter of the license of Kaled Jawhari, D.C., Respondent.

This agreed order is executed pursuant to the authority of the Administrative Procedure Act (APA), Texas Government Code §2001.056, which authorizes the informal disposition of contested cases. In a desire to conclude this matter without further delay and expense, the Board and Respondent agree to resolve this matter by this Agreed Final Order. The Respondent agrees to this order for the purpose of resolving this proceeding only and without admitting or denying the findings of fact and conclusions of law set out in this order.

Upon recommendation of the Enforcement Committee, the Board makes the following findings of fact and conclusions of law and enters this order:

**FINDINGS OF FACT**

1. Kaled Jawhari, D.C., Respondent, is a chiropractor licensed by the Board to practice chiropractic in the State of Texas and is therefore subject to the jurisdiction of the Board; the Chiropractic Act, Texas Occupations Code, Chapter 201; and the Board's rules, Texas Administrative Code, Title 22, §§71.1-79.11.
2. On or about December 11, 2014, Respondent was engaged in the use of deceptive advertising and advertising superiority.
3. On January 13, 2015, the Board's Enforcement Committee met and voted to recommend imposition of an administrative penalty of \$2,500.00 as authorized by the Chiropractic Act, TEX. OCC. CODE

§201.551, and 22 TEX. ADMIN. CODE §78.9(c), for deceptive advertising and advertising superiority.

### **CONCLUSIONS OF LAW**

1. Kaled Jawhari, D.C., Respondent, is subject to the jurisdiction of the Board and is required to comply with the Chiropractic Act and the Board's rules.
2. By engaging in deceptive advertising, and advertising superiority Respondent violated Chiropractic Act, TEX. OCC. CODE §201.001(b); §201.502(a)(9), §201.5026(a)(1) and 22 TEX. ADMIN. CODE §77.4.

§201.001 PRACTICE OF CHIROPRACTIC. (b) A person practices chiropractic under this chapter if the person: (1) uses objective or subjective means to analyze, examine, or evaluate the biomechanical condition of the spine and musculoskeletal system of the human body.

§201.502 GROUNDS FOR REFUSAL, REVOCATION, OR SUSPENSION OF LICENSE. (a) The board may refuse to admit a person to examinations and may revoke or suspend a license or place a license holder on probation for a period determined by the board for: (9) using an advertising statement that is false or that tends to mislead or deceive the public; (11) advertising professional superiority, or advertising the performance of professional services in a superior manner, if that advertising is not readily subject to verification;

201.5026. UNPROFESSIONAL OR DISHONORABLE CONDUCT. (a) For purposes of Section 201.5025(a)(3), unprofessional or dishonorable conduct that is likely to deceive or defraud the public includes conduct in which a chiropractor: (1) commits an act that violates any state or federal law if the act is connected with the chiropractor's practice of chiropractic;

#### **§77.4. Misleading Claims.**

- (a) A person advertising chiropractic services shall not use false, deceptive, unfair or misleading advertising, including, but not limited to: (1) claims intended or reasonably likely to create a false expectation of the favorable results from chiropractic treatment; (2) claims intended or reasonably likely to create a

false expectation of the cost of treatment or the amount of treatment to be provided; (3) claims reasonably likely to deceive or mislead because the claims in context represent only a partial disclosure of the conditions and relevant facts of the extent of treatment the licensee expects to provide; (4) claims that state or imply chiropractic services provide a cure for any condition; (5) claims that chiropractic services cure or lessen the effects of ailments, injuries or other disorders of the human body which are outside the scope of chiropractic practice as defined by Chapter 201 of the Occupations Code and Title 22, Part 3 of the Texas Administrative Code; (6) claims that state or imply the results of chiropractic services are guaranteed; or (7) claims that chiropractic services offer results that are not within the realm of scientific proof beyond testimonial statements or manufacturer's claims.

(b) Subsection (a)(2) of this section is not meant to be applicable to circumstances where the cost or amount of treatment varies from an original quotation or advertisement by a reasonable amount.

(c) The standard to be used in determining whether a violation of this rule has taken place is the generally accepted standards of care within the chiropractic profession in Texas.

3. On a determination that a person has violated the Chiropractic Act or Board rules, the Board is authorized pursuant to §201.501 of the Chiropractic Act to revoke or suspend the person's license, place on probation a person whose license has been suspended, reprimand a license holder, or impose an administrative penalty against the license holder.

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

1. Kaled Jawhari, D.C., Respondent, shall:
  - a. pay an administrative penalty of \$2,500.00;
  - b. remove any misleading and/or deceptive language from any source of advertising regarding his chiropractic practice by May 15, 2015; and
  - c. comply with all provisions of the Chiropractic Act and the Board's rules in the future, or be subject to further disciplinary action by the Board, including the possible chiropractic license revocation.

2. Upon receipt by the Board and signature of the Executive Director, the Agreed Final Order shall become immediately effective.

By signing this Agreed Final Order, Respondent:

1. Agrees to its terms, acknowledges an understanding of it, and agrees to satisfactorily comply with the mandates of this Agreed Order or be subject to appropriate disciplinary action by the Board; and
2. Waives all rights to a formal hearing and any right to judicial review of this Order.

I, Kaled Jawhari D.C., HAVE READ AND UNDERSTAND THE FOREGOING AGREED FINAL ORDER. I UNDERSTAND THAT BY SIGNING THIS AGREED FINAL ORDER, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WILLINGLY, AND KNOWINGLY. I UNDERSTAND THIS AGREED FINAL ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, ORAL, WRITTEN, OR OTHERWISE.



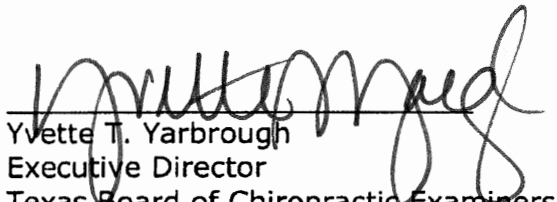
Kaled Jawhari, D.C.  
License No. 9274

DATE: 4/28/2015



Notarized for  
Kaled Jawhari

Approved by the Texas Board of Chiropractic Examiners on this 20 day  
of August, 2015.



Yvette T. Yarbrough  
Executive Director  
Texas Board of Chiropractic Examiners  
333 Guadalupe  
Tower III, Ste. 3-825  
Austin, TX 78701