

IN THE MATTER OF
JULIO JIMENEZ, D.C.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED CEASE AND DESIST ORDER

On the 4 day of March, 2016, this matter was heard before the Texas Medical Board (the Board). Julio Jimenez, D.C. (Respondent) has waived any right to a hearing. Upon the recommendation of the Board's staff and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law. Staff Attorney Barbara Jordan prepared this Order. Respondent was represented by David C. Gibbs, III.

FINDINGS

The Board finds that:

1. Respondent received all notice required by law and all jurisdictional requirements have been satisfied.
2. Respondent is not licensed to practice medicine in the State of Texas.
3. Respondent is a chiropractor licensed by the Texas Board of Chiropractic Examiners.
4. Respondent has published information, including Internet websites pages, other postings, and mailings that did not at all times make it clear that he is not a medical doctor.
5. Some of the material that Respondent posted and mailed could be read to imply that he treats medical and physical conditions, including chronic conditions of persons.
6. Respondent has cooperated in the investigation of the allegations related to this Order, but does not admit the Findings or Conclusions of Law. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on these Findings, the Board concludes the following:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the TEX. OCC. CODE, Title 3, Subtitle B, the Medical Practice Act (Act).

2. Section 165.052(a) of the Act authorizes the Board to issue a cease and desist order prohibiting a person from engaging in any activity in violation of the Act.

3. Section 155.001 of the Act provides that a person may not practice medicine in this state unless the person holds a license issued under the subtitle.

4. Section 151.002(A)(12) of the Act defines a physician as a person licensed to practice medicine in this state.

5. Section 151.002(A)(13) of the Act provides that a person engages in the practice of medicine when the person diagnoses, treats or offers to treat a mental or physical disease or disorder or a physical deformity or injury by any system or method, or attempts to effect cures of those conditions, when the person publically professes to be a physician or surgeon or directly or indirectly charges money or other compensation for those services.

6. Section 165.052(b) of the Act provides that a violation of an Order under Section 165.052(a) constitutes grounds for imposing an administrative penalty under TEX. OCC. CODE, Title 3, Subtitle B, Chapter 165, Subchapter A, which allows for an administrative penalty of up to \$5,000 for each violation to be assessed, and each day of a violation continues constitutes a separate violation.

7. Section 165.151 of the Act provides that a person commits an offense if the person violates the Act, or any rule of the Texas Medical Board.

8. Section 165.159 of the Act provides that a person commits an offense if the person practices medicine without complying with the registration requirement imposed by Texas Occupations Code Ann., Title 3, Subtitle B.

9. Sections 165.101 and 165.103 of the Act provide that any violation of this Order constitutes grounds for imposing a civil penalty of up to \$1,000 for each violation, and for recovery of the reasonable expenses of litigation, by action of the Attorney General, and each day a violation continues constitutes a separate violation.

10. Board Rule 187.84 authorizes the Board to impose an administrative penalty for violation of a cease and desist order, or refer the matter to the Attorney General to institute action for: an injunction against violation of the order; any administrative penalty assessed by the Board; a civil penalty in accord with Section 165.101 of the Act; expenses in accord with Section 165.103 of the Act; and any other remedy provided by law.

ORDER

Based on the findings of fact and conclusions of law, the Board ORDERS that:

1. Respondent is prohibited from engaging in the unlicensed practice of medicine in the State of Texas.

2. Respondent shall cease and desist any unlicensed practice of medicine in the State of Texas after the date of the entry of this Order.

3. In practicing a healing art as defined by Tex. Occ. Code § 104.002, Respondent shall not exceed the scope of Tex. Occ. Code Chapter 201 and 22 Tex. Admin. Code Title 22, Part 3, relating to the practice of chiropractic, so long as he holds a valid license issued by the Texas Board of Chiropractic Examiners.

4. Respondent shall indicate on each page of his website and other advertising, where the term “doctor” or “Dr.” appears, that he is a doctor of chiropractic, in compliance with Tex. Occ. Code § 104.003(e). Specifically,

“(e) A person who is licensed by the Texas Board of Chiropractic Examiners shall use:

- (1) chiropractor;
- (2) doctor, D.C.;
- (3) doctor of chiropractic; or
- (4) D.C.”

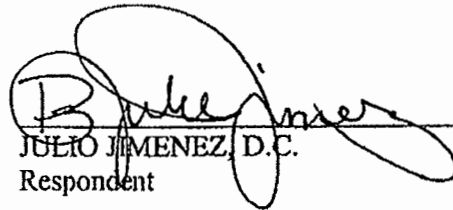
5. In addition, where reference to the Pastoral Medical Association (PMA) appears on Respondent’s website and other advertising, Respondent shall indicate PMA is not a state licensing agency, and Respondent will comply with Tex. Occ. Code § 104.004 with respect to the use of the title “doctor” in relation to his “D.PSc” credential.

6. Any violation of this Order constitutes grounds for imposing an administrative penalty of up to \$5000 for each violation, and/or each day of a continuing violation, of the Medical Practice Act.

RESPONDENT WAIVES THE RIGHT TO A HEARING PURSUANT TO THE MEDICAL PRACTICE ACT, §165.052, AND 22 TEX. ADMIN. CODE, CHAPTER 187, AS APPLICABLE, AND ALL RIGHTS PURSUANT TO THE ADMINISTRATIVE PROCEDURE ACT, TEX. GOV'T CODE, CHAPTER 2001, INCLUDING THE RIGHT TO NOTICE AND HEARING, AND TO ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO THIS ORDER. RESPONDENT AGREES TO THE ENTRY OF THIS ORDER AND AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

I, JULIO JIMENEZ, D.C., HAVE READ AND UNDERSTAND THIS ORDER. MY SIGNATURE BELOW IS VOLUNTARY. THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE. I HAVE SIGNED THIS ORDER ON THE ____ DAY OF DECEMBER, 2015.

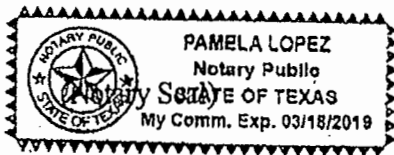


JULIO JIMENEZ, D.C.
Respondent

STATE OF TEXAS
COUNTY OF BIRMINGHAM

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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 17th day of December, 2015.





Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
4 day of March, 2016.

A handwritten signature in black ink, appearing to read "Michael Arambula", written over a horizontal line.

Michael Arambula, M.D., Pharm-D., President
Texas Medical Board