

IN THE MATTER OF                                    §                    BEFORE THE TEXAS BOARD  
   §  
DAVID KINGCAID, DC                             §                                    OF  
   §  
LICENSE NO. 7018                                §                                    CHIROPRACTIC EXAMINERS

**AGREED ORDER**

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

Upon recommendation of the Enforcement Committee, 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 the State of Texas.
2. After reading an advertisement by Respondent in a local paper, Patient A and Patient B ("Patients") attended a meeting with Respondent at a restaurant to "become healthier and learn about Thyroid."
3. The Patients enrolled in Respondent's treatment program and stopped taking Thyroid medication as instructed.
4. The Patients paid \$2,304.00 into the program, but after difficulty locating the on-line classes, delayed delivery of the supplements, the Patients asked for a refund and to be released from the program.
5. The Patients filed a complaint with the TBCE stating they had not received a refund; however, Respondent later issued the Patients a full refund.
6. In response to the complaint, Respondent stated to the TBCE that he practices his thyroid and similar treatment under his "Pastoral Medicine License, not his chiropractic license," despite that there is no state-recognized Pastoral Medicine licensing agency.

7. On August 16, 2017, Respondent and the Board's Enforcement Committee met in an Informal Conference to resolve the matter and came to an agreement as set forth in the paragraphs below.

### **CONCLUSIONS OF LAW**

1. Respondent is subject to the jurisdiction of the Board and is required to comply with the Chiropractic Act, Texas Occupations Code, Chapter 201; and the Board Rules, Texas Administrative Code, Title 22, §§71.1-80.6.
2. By not providing proper diligence in the practice of chiropractic, Respondent violated Board Rule 22 TEX. ADMIN. CODE §78.2(a) (1) (A), (B), (C) &(D):
3. PROPER DILIGENCE AND EFFICIENT PRACTICE OF CHIROPRACTIC (a) A lack of proper diligence in the practice of chiropractic or the gross inefficient practice of chiropractic when applied to a licensee or chiropractic facility includes but is not limited to the following: (1) failing to conform to the generally accepted standards of care within the chiropractic profession in Texas, regardless of whether or not actual injury to any person was sustained, including, but not limited to: (A) failing to assess and evaluate a patient's status; (B) performing or attempting to perform procedures in which the chiropractor is untrained by education or experience; (C) delegating chiropractic functions or responsibilities to an individual lacking the ability or knowledge to perform the function or responsibility in question; (D) causing, permitting, or allowing physical injury to a patient or impairment of the dignity or the safety of a patient; ...
4. On a determination that a person has violated the Chiropractic Act or Board Rules, the Board is authorized 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, pursuant to §201.501 of the Chiropractic Act.

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

1. differentiate his chiropractic practice from any of his other businesses that are outside the scope of chiropractic;
2. remove all references of his other businesses from his chiropractic website;
3. provide a statement in any of his advertisements that reference the Pastoral Medical Association ("PMA"), that the PMA is not a state-regulated entity.

By signing this AO, Respondent:

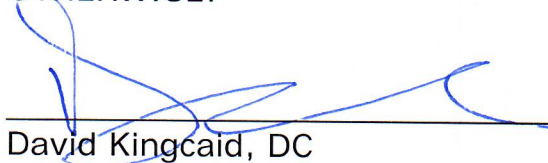
4. acknowledges understanding of the AO;
5. agrees to comply with the requirements of the AO; and
6. waives all rights to a hearing and judicial review of this AO.

Upon signature by Respondent this AO shall become effective immediately.

SIGNATURE PAGE FOLLOWS.

THIS ORDER IS A PUBLIC RECORD.

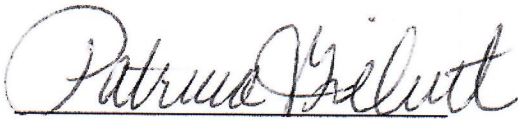
I, DAVID KINGCAID, DC, HAVE READ AND UNDERSTAND THE FOREGOING AO. I UNDERSTAND THAT BY SIGNING THIS AO, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WILLINGLY, AND KNOWINGLY UNDER PENALTY OF PERJURY. I UNDERSTAND THIS AO CONTAINS THE ENTIRE AGREEMENT. THERE IS NO OTHER AGREEMENT, ORAL, WRITTEN OR OTHERWISE.



David Kingcaid, DC  
License No. 7018

DATE: \_\_\_\_\_

1-25-18



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

DATE: December 6, 2017

Approved by the Texas Board of Chiropractic Examiners on this \_\_\_\_ day of \_\_\_\_\_, 2018.