

1 at which administrative hearing he could present evidence and cross-examine
2 witnesses. By entering into this Consent Agreement, Respondent freely and
3 voluntarily relinquishes all rights to such an administrative hearing, as well as all rights
4 of rehearing, review, reconsideration, appeal, judicial review or any other
5 administrative and/or judicial action, concerning the matters set forth herein.
6

7 Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

8 3. Respondent agrees that the Board may adopt this Consent Agreement or
9 any part of this agreement, under A.R.S. § 32-924. Respondent understands that the
10 Board may consider this Consent Agreement or any part of it in any future disciplinary
11 action against him.
12

13 4. Respondent understands that this Consent Agreement does not constitute a
14 dismissal or resolution of other matters currently pending before the Board, *if any*, and
15 does not constitute any waiver, express or implied, of the Board's statutory authority or
16 jurisdiction regarding any other pending or future investigation, action or proceeding.
17

18 Respondent also understands that acceptance of the Consent Agreement does not
19 preclude any other agency, subdivision or officer of this state from instituting other civil
20 or criminal proceedings with respect to the conduct that is the subject of this Consent
21 Agreement.
22

23 5. All admissions Respondent makes in this Consent Agreement are made
24 solely for the final disposition of this matter, and any related administrative
25 proceedings or civil litigation involving the Board and respondent.
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1 6. By agreeing to allow the Board to impose the discipline ordered herein,
2 Respondent acknowledges that the Board has evidence from which it could impose
3 discipline under A.R.S. § 32-924 (G).
4

5 7. Respondent acknowledges and agrees that, upon signing this Consent
6 Agreement and returning this document to the Board, Respondent may not revoke his
7 acceptance of the Consent Agreement or make any modifications to the document.
8 Any modification to this original document is ineffective and void unless mutually
9 approved by the parties in writing.
10

11 8. Respondent understands that the foregoing Consent Agreement shall not
12 become effective unless and until the Board adopts it and the Chairperson signs it.

13 9. Respondent understands and agrees that if the Board does not adopt this
14 Consent Agreement, he will not assert as a defense that the Board's consideration of
15 it constitutes bias, prejudice, prejudgment or other similar defense in any future
16 disciplinary action.
17

18 10. Respondent understands that this Consent Agreement is a public record
19 that may be publicly disseminated as a formal disciplinary action of the Board, and
20 shall be reported as required by law to the National Practitioner Data Bank and the
21 Healthcare Integrity and Protection Data Bank.
22

23 11. Respondent understands that any violation of this Consent Agreement
24 constitutes unprofessional conduct pursuant to A.R.S. § 32-924 (A)(16), "Violating or
25 attempting to violate, directly or indirectly, or assisting in or abetting the violation of or
26 conspiring to violate any of the provisions of this chapter or any Board order," and may
27 result in disciplinary action pursuant to A.R.S. § 32-914.
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14 APR 2015

DATED

Eric J. Olsen, D.C.

Eric J. Olsen, D.C.
Respondent

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of chiropractic in the State of Arizona.

2. Respondent holds License No. 6032 for the practice of chiropractic in the State of Arizona.

3. On January 14, 2015, the Board conducted an Initial Appearance in this matter and found evidence of unprofessional conduct as described in the following Findings of Fact Nos. 4, 5, 6 and 7. Respondent attended the Initial Appearance and was represented by legal counsel.

4. On or about June 18, 2014, the Board reviewed the website vitanya.com ("website") and noted Respondent's advertising was misleading in use of the term "expert consultation." Respondent testified that the website had been created and maintained by Vitanya.

5. Respondent's advertising throughout the website improperly claimed professional superiority in use of the terms "uniquely" and "least invasive and most economical."

6. Throughout the website, Respondent failed to use the initials "D.C." following his name.

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1 contrary to recognized standards in chiropractic or any conduct or practice that
2 constitutes a danger to the health, welfare or safety of the patient or the public or any
3 conduct, practice or condition that impairs the ability of the licensee to safely and
4 skillfully practice chiropractic.”
5

6 **ORDER**

7 Based upon the above Findings of Fact and Conclusions of Law, **IT IS**
8 **HEREBY ORDERED:**

9 1. Respondent shall immediately **CEASE AND DESIST** the use of Zyto bio-
10 scan technology.
11

12 2. Chiropractic License No. 6032 issued to Respondent to practice chiropractic
13 in the State of Arizona shall be placed on **PROBATION** for **SIX MONTHS** for the
14 unprofessional conduct described above.

15 3. The terms and conditions of the Order of Probation are as follows:

16 a. Within six (6) months of the effective date of this Consent Agreement,
17 Respondent shall pay a **CIVIL PENALTY** in the amount of two hundred and fifty
18 (\$250.00) dollars. Payment shall be made by cashier's check or money order to the
19 Board.
20

21 4. Respondent may petition the Board for early termination of his probation
22 provided that he has completed or complied with Paragraph 3a. Upon receiving
23 Respondent's petition, the Board shall have complete discretion to determine whether
24 Respondent has complied with all the required terms and conditions of the Order prior
25 to granting the petition. Respondent's failure to petition the Board to terminate his
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1 probation shall cause it to continue beyond the six month period, until he petitions for
2 termination.

3 5. In the event that Respondent moves out of state or ceases to practice
4 chiropractic in Arizona, he shall notify the Board of these events in writing, within 20
5 days, and the Board may stay the terms and conditions of his probation until
6 Respondent returns to practice chiropractic in Arizona.

7 6. Respondent shall bear all costs required to insure his compliance with this
8 order to include, but not limited to, the cost for the probation monitor, required
9 continuing education, and all audits/auditors.

10 7. Respondent shall meet all requirements to renew his license for each year
11 that he remains on probation and shall keep his license current by submitting a
12 complete license renewal application to the Board prior to January 1 for each year that
13 he remains on probation.

14 8. Respondent shall obey all federal, state and local laws and all rules
15 governing the practice of chiropractic in Arizona. The Board shall consider any
16 violation of this paragraph as a separate violation of the Chiropractic Practice Act.

17 9. The Board retains jurisdiction over Respondent and may take additional
18 remedial or disciplinary action against him if it determines that he has committed
19 subsequent violations of this order or of the chiropractic practice act. Respondent
20 shall appear in person before the Board to respond to questions or concerns regarding
21 his compliance with this order when requested.

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10. This Order is a public record that may be publicly disseminated as a formal action of the Board, and shall be reported as required by law to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

DATED AND EFFECTIVE this 21 of May, 2015

ARIZONA STATE BOARD OF CHIROPRACTIC EXAMINERS

[SEAL]

By 
James Badge, D.C., Chair
Arizona State Board of
Chiropractic Examiners

Original of the foregoing filed this 21 day of May, 2015 with:
Arizona State Board of Chiropractic Examiners
5060 N. 19 Ave. #416
Phoenix, AZ 85015

Executed Copy of the foregoing mailed by U.S. Certified mail (Return receipt requested)
This 21 day of May, 2015
Certificate No. 7013 2630 0002 3135 8682 to:

Eric J. Olsen, D.C.
Olsen Chiropractic
3055 S. Kinney Rd.
Tucson AZ 85713
Respondent

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1 Executed Copy of the foregoing mailed
2 By U.S. mail
3 This 21 day of May, 2015 to:

4 Mandi J. Karvis
5 Sanders & Parks
6 3030 N. Third St. #1300
7 Phoenix, AZ 85012

8 **Attorney for Respondent**

9 Submitted electronically to:

10 Mona Baskin
11 Office of the Attorney General
12 Assistant Attorney General
13 1275 W. Washington, CIV/LES
14 Phoenix, AZ 85007

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17 Board Operations

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