

IN THE MATTER OF  
JOHN MADDEN

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). John Madden (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. Amy Swanholm, Board staff attorney, prepared this Order.

**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 Texas.
3. Respondent is licensed to practice as a chiropractor in Texas.
4. Respondent refers to himself as Dr. Madden or "doctor" in publications including informational handouts, educational materials, and websites.
5. Respondent's website and other promotional materials state that he is in the practice of educating and addressing, among others, thyroid symptoms, diabetes, hormone imbalances, toxicity issues, fatigue, circulatory issues, heartburn, high blood pressure, chronic fatigue syndrome, heart disease, Alzheimer's disease, and arthritis.
6. Respondent charges a fee for his services. Portions of his website are only accessible to individuals who have paid for his services.
7. Respondent does not specify an authority for the use of the title of "Dr." or "doctor."
8. Respondent's website and other promotional materials state that he is licensed by the Pastoral Medical Association. This entity does not confer any authority upon Respondent to practice medicine in the state of Texas under the Medical Practice Act.
9. A license from the Pastoral Medical Association alone does not confer upon

Respondent authority to refer to himself as “Dr.” or “doctor” under the Healing Arts Identification Act.

10. Respondent has cooperated in the investigation of the allegations related to this Order. 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 that

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.

2. Section 104.003 of the Healing Art Identification Act requires licensed healing arts practitioners to designate the healing art the person is licensed to practice.

3. Section 104.004 of the Healing Art Identification Act provides that a person using the title “doctor” must designate the authority under which the title issued or the college or honorary degree that gives rise to the use of the title.

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

5. Section 165.052(b) of the Medical Practice 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.

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

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

8. Section 151.002(A)(13) of the Medical Practice 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.

9. Section 165.159 of the Medical Practice 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.

10. Sections 165.101 and 165.103 of the Medical Practice 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.

11. 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 Medical Practice Act; expenses in accord with Section 165.103 of the Medical Practice Act; and any other remedy provided by law.

### ORDER

Based on the Findings and Conclusions of Law the Board ORDERS that:

1. Respondent is prohibited from acting as, or holding himself out to be, a licensed physician in the State of Texas.

2. Respondent neither admits nor denies he has intentionally, knowingly or voluntarily engaged in the unlicensed practice of medicine in violation of Section 165, Subchapter D or misidentified himself in violation of Texas Occupations Code, Title 3, Subtitle A, the Healing Art Identification Act.

3. To the extent Respondent has violated Sections 104 the Healing Art Identification Act and 165 of the Medical Practice Act, Respondent shall cease and desist any practice of

medicine in the State of Texas on the effective date of this Order. Respondent shall also cease and desist from identifying himself as a doctor, unless he does so in compliance with the Healing Arts Identification Act.

4. Any violation of this Order constitutes grounds for imposing an administrative penalty of up to \$5,000 for each violation, and/or each day of a continuing violation, of the Medical Practice Act or the Healing Arts Identification 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.**

**[SIGNATURE PAGES FOLLOW]**

I, JOHN MADDEN, 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 \_\_\_\_\_, 2016.

  
\_\_\_\_\_  
John Madden  
Respondent

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



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