

*Filed 3/9/03
CPBN
Cindy Wade*

BEFORE THE CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA

In the Matter of

MICHAEL HANDELMAN, DC,

Respondent.

Complaint No. 012/10

**AGREED SETTLEMENT OF
DISCIPLINARY ACTION AND ORDER**

Written Charges Pursuant to NRS 634

1. Parties.

This agreement is entered into by and between Petitioner, CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA ("Board") by and through its Executive Director, CINDY WADE, and Respondent MICHAEL HANDELMAN, D.C. ("Respondent"). Respondent was, at all times relevant to this agreement, a licensee of the Board under License No. B-861.

2. Alleged Offenses.

Respondent was the treating chiropractor for patient G.W. at Sunset Neck and Back Center. Progressive Halcyon Insurance Company was subsequently billed for treatments that G.W. did not receive. This included an initial comprehensive exam, Chiropractic Manipulations (2 areas), Therapeutic Support, Orthonal/Support and Reusable Cold Packs. These charges were incurred over four visits between November 8, 2001 and November 19, 2001.

Respondent was also the treating chiropractor for patient K.C. at Sunset Neck and Back Center. Progressive Halcyon Insurance Company was subsequently billed for treatments that she did not receive. This included an initial comprehensive exam, Chiropractic Manipulations (3 areas), Therapeutic Support, Orthonal/Support and Reusable Cold Packs and a Comprehensive re-exam. These charges were incurred over nine visits between November 5, 2001 and December 11, 2001.

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1 By billing Progressive Halcyon Insurance Company for treatment that G.W. did not
2 receive, Respondent is in violation of NRS 634.018(10) and/or NRS 634.018(11), including
3 the act found at NAC 634.430(1)(e)(1).

4 By billing Progressive Halcyon Insurance Company for treatment that K.C. did not
5 receive, Respondent is in violation of NRS 634.018(10) and/or NRS 634.018(11), including
6 the act found at NAC 634.430(1)(e)(1).

7 **3. Proposed Settlement.**

8 The Board is prepared to put on a case based on the Complaint that has been filed
9 alleging the above offenses, and to seek appropriate discipline. Respondent is prepared to
10 defend any such Complaint; however, the parties desire to compromise and settle the instant
11 controversy upon the following terms and conditions:

- 12 a. Respondent agrees to pay to the Board within six months after the effective date
13 of the Board's order approving the agreement, the sum of TWO THOUSAND
14 DOLLARS AND NO CENTS (\$2,000.00).
- 15 b. Respondent further agrees to complete twenty-four (24) hours of continuing
16 education with twenty-four (24) months as follows: twelve (12) hours of record
17 keeping during the first year and twelve (12) hours of physical therapy during the
18 second year. These hours will not count toward the Respondent's continuing
19 education requirements.
- 20 c. The Board agrees not to pursue any other or greater remedies or fines in
21 connection with the conduct referenced in paragraph 2 above;
- 22 d. Respondent agrees and understands that by entering into this Stipulation,
23 Respondent is waiving his right to a hearing at which Respondent may present
24 evidence in his defense and to be represented by counsel, to judicial review of
25 any adverse decision by the Board, and to present his defense to a Board which
26 has had no prior familiarity with the instant matter. The Board members who
27 review this matter for approval of this agreement may be same members who
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1 ultimately hear the Division's Complaint if this Stipulation is either not approved
2 by the Board or is not timely performed by the Respondent.

3 4. Approval of Agreement.

4 Once executed, this Agreement will be filed with the Board and will be put on the
5 agenda for approval at its March 8, 2003 meeting. At that time the Board staff will
6 recommend approval of the Agreement. Respondent understands that the Board is free to
7 accept or reject this agreement. It shall not become effective until it has been approved by a
8 majority of the Board and endorsed by a representative member of the Board. If rejected by
9 the Board, this Agreement shall have no effect whatsoever and the Board will proceed as it
10 deems appropriate.

11 5. Release.

12 In consideration of execution of this Agreement, Respondent for himself, his heirs,
13 executors, administrators, successors, and assigns, hereby release, remise, and forever
14 discharge the State of Nevada, the Board, and each of their members, agents, and
15 employees in their individual and representative capacities, from any and all manner of
16 actions, causes of action, suits, debts, judgments, executions, claims, and demands
17 whatsoever, known and unknown, in law or equity, that Respondent ever had, now has, may
18 have, or claim to have against any or all of the persons or entities named in this section,
19 arising out of or by reason of the Board's investigation, this disciplinary action, and all other
20 matters relating thereto.

21 6. Indemnification.

22 Respondent hereby indemnifies and holds harmless the State of Nevada, the Board,
23 and each of their members, agents, and employees in their individual and representative
24 capacities against any and all claims, suits, and actions brought against said persons and/or
25 entities by reason of the Board's investigation, this disciplinary action and all other matters

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1 relating thereto, and against any and all expenses, damages, and costs, including court costs
2 and attorney fees, which may be sustained by the persons and/or entities named in this
3 section as a result of said claims, suits, and actions.

4 Dated this 9th day of March, 2003.

5 Cindy Wade
6 CINDY WADE, EXECUTIVE DIRECTOR

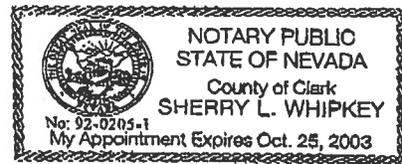
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8 Dated this _____ day of _____, 2003.

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10 Michael Handelman D.C.
11 MICHAEL HANDELMAN, DC

12 STATE OF NEVADA)
13) ss.
14 COUNTY OF _____)

15 Signed and sworn to before me this 5th
16 day of March, 2003,
17 by MICHAEL HANDELMAN, DC.

18 Sherry L. Whipkey
19 Notary Public



20 Approved as to form:

21 Dated this 9th day of March, 2003.

22 Gina C. Session
23 GINA C. SESSION, Senior Deputy Attorney General
24 Counsel to the Chiropractic Physicians' Board of Nevada
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ORDER

By a majority vote on March 9, 2003, Chiropractic Physicians' Board of Nevada approved and adopted the terms and conditions set forth in the attached Agreed Settlement of Disciplinary Action with Dr. Handelman, DC.

IT IS SO ORDERED.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

Stephanie Youngblood D.C.
STEPHANIE YOUNGBLOOD, DC, Vice-President

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