AGREED ORDER

The State of Tennessee, by and through the Office of General Counsel and the Respondent,

DOUGLAS C. TOMANELLI, D.C., (Respondent), hereby stipulate and agree, subject to
approval by the Tennessee Board of Chiropractic Examiners (Board), to the following:

I. Authority and Jurisdiction

The Board regulates and supervises chiropractors licensed to practice pursuant to Tennessee Code
Annotated Section (TENN. CODE ANN. §) 63-4-101, et seq. (Code), including the discipline of
licensees, as well as those who are required to be licensed, who violate the Code and the Rules
promulgated by the Board, Official Compilation of Rules and Regulations of the State of
Tennessee (TENN. COMP. R. & REGS.), 0260-02-.01, et seq. (Rules). The Board enforces the Code
and Rules to promote and protect the health, safety and welfare of the public; accordingly, it is the
policy of the Board to require strict compliance with the law and to apply the law to preserve the
quality of chiropractic care provided in Tennessee.

II. Stipulations of Fact

1. Respondent is licensed by the Tennessee Board of Chiropractic Examiners as a
chiropractor in the State of Tennessee, having been granted license no. 1552 on or about
April 26, 1999, and it expires December 31, 2018.

[Signature]
10/16/18
2. In early 2012, Respondent began treating patient K.P. after she had a motor vehicle accident. In September 2012, Respondent hired K.P. as part of his full time office staff. Between December 2012 and December 2014, Respondent and K.P. were engaged in a sexual relationship while she was his patient and employee. Respondent treated K.P. as a patient through May 2013.

3. Respondent and K.P. would have sexual intercourse at the practice both during and after hours.

III. Stipulated Grounds for Discipline

The Stipulations of Fact are sufficient to establish that Respondent has violated TENN. CODE ANN. § 63-4-101, et seq., for which disciplinary action by the Board is authorized.

4. Respondent’s acts and conduct enumerated in paragraphs two (2) and three (3) constitute violations of TENN. CODE ANN. § 63-4-114:

   (4) Immoral, unethical, unprofessional or dishonorable conduct;

5. Respondent’s acts and conduct enumerated in paragraphs two (2) and three (3) constitute violations of TENN. COMP. R. & REGS. 0260-02-.13(8):

   (b) Licensees shall not engage in sexual relationships with current patients, employees, or co-workers because such relationships are likely to impair judgment or be exploitive.

IV. Stipulated Disposition

6. Respondent’s license to practice as a Chiropractor in Tennessee, pursuant to the authority vested in the Board under TENN. CODE ANN. §§ 63-4-115 and 116, shall be and is hereby SUSPENDED.

7. Respondent has undergone an evaluation approved by the Tennessee Medical Foundation (TMF) for alcohol and drug dependency and for sexual boundaries. The results of the TMF
approved evaluation recommended a return to practice with monitoring, and Respondent has signed a TMF monitoring agreement. Respondent is also to undergo the Vanderbilt Sexual Boundaries Course, to be completed by the end of 2018. If Respondent maintains the advocacy of TMF and is in full compliance with the terms of the TMF monitoring agreement, and any amendments thereto, at the time of ratification of this Order by the Board, then the suspension shall be STAYED and Respondent’s license shall be immediately placed on PROBATION on the following terms and conditions:

A. The period of probation of Respondent’s license shall run concurrent to his monitoring agreement with TMF, but in no event shall the period of probation be less than three (3) years. Should Respondent’s monitoring agreement with TMF be extended, the term of probation of Respondent’s license shall be extended to run concurrent with the new term of the TMF monitoring agreement.

B. Respondent’s failure to maintain 100% compliance with the terms of the monitoring agreement and the advocacy of TMF until the completion of the monitoring agreement and any amendments thereto will be a violation of probation and shall result in the immediate lifting of the stay of suspension of Respondent’s license. If thereafter Respondent wishes to have his license reinstated, Respondent must appear before the Board to obtain a consent for reinstatement and demonstrate his present ability to engage in the safe practice of chiropractic, which shall include, at minimum, a demonstration of two years of documented continuous sobriety. If the Board does not approve reinstatement, Respondent’s license shall remain suspended. Respondent may not petition the Board more than once in a twelve (12) month period.

8. Upon completion of probation, Respondent may petition the Board for his license to return to unencumbered status.
9. Civil penalties are hereby assessed pursuant to Tenn. Comp. R. & Regs. 0260-02-.04(6) and Tenn. Code Ann. § 63-1-134(c), which states in particular:

   (1) Civil penalties assessed pursuant to this section are final, due and payable as of the date shown on the certificate of filing below;

   (2) If the violator fails to pay an assessment when it becomes final, the department may apply to the appropriate court for a judgment and seek execution of such judgment.

10. Respondent is assessed one (1) Type A Civil Penalty in the amount of one thousand dollars ($1,000.00), in accordance with TENN. COMP. R. & REGS. 0260-02-.04(6) and shall be paid in full within twelve (12) months from the effective date of this Order.

11. Respondent must pay the actual and reasonable costs of prosecuting this case, pursuant to TENN. CODE ANN. §§ 63-4-115(h)(4)(i) and 63-1-144 to the extent allowed by law. These costs will be established by an Assessment of Costs prepared by counsel for the Department. The Assessment of Costs shall not exceed one thousand dollars ($1,000.00) and shall be paid in full within twelve (12) months from the issuance of the Assessment of Costs.

12. Each condition of discipline herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

V. Representations of Respondent

13. Respondent understands and admits the allegations, charges, and stipulations in this Order.

14. Respondent understands the rights found in the Code, Rules, and the Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101 thru 4-5-404, including the right to a hearing, the right to appear personally and by legal counsel, the right to confront and to cross-examine
witnesses who would testify against Respondent, the right to testify and to present evidence on
Respondent’s own behalf, as well as to the issuance of subpoenas to compel the attendance of
witnesses and the production of documents, as well as the right to appeal for judicial review.
Respondent voluntarily waives these rights in order to avoid further administrative action.

15. Respondent agrees that presentation of this Order to the Board and the Board’s consideration
of it and all matters divulged during that process shall not constitute unfair disclosure such that
the Board or any of its members become prejudiced requiring their disqualification from
hearing this matter should this Order not be ratified. All matters, admissions, and statements
disclosed during the attempted ratification process shall not be used against the Respondent in
any subsequent proceeding unless independently entered into evidence or introduced as
admissions.

16. Respondent also agrees that the Board may issue this Order without further process. If the
Board rejects this Order for any reason, it will be of no force or effect for either party.

17. Respondent agrees that he has not received any threats or promises of any kind by the State or
any agent or representative thereof, except such as is detailed herein.

VI. Notice

18. The suspension, probation, and civil penalties are formal disciplinary actions and will be
reported to the National Practitioner Data Bank (NPDB).

19. Respondent may enter into an agreement with the Board for the payment of assessed civil
penalties in installments that are due and payable beyond the date on which the assessment
becomes final. Tenn. Code Ann. § 63-1-134(c). To set up a payment plan, contact the
Disciplinary Coordinator by calling 615-253-2699.

20. Civil penalties and costs shall be paid by submitting a certified check, cashier’s check, or
money order payable to the State of Tennessee. Civil penalties and Costs payments must
include the Respondent’s name and the case number, 201700605, on the instrument of payment

and shall be mailed or delivered to:

Office of Investigations
Attn: Disciplinary Coordinator
Tennessee Department of Health
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243

APPROVED FOR ENTRY:

Douglas Tomanelli
D.C. License No. 1552
Respondent

John Floyd (BPR #014310)
Attorney for Respondent
Floyd Law Group
3990 Hillsboro Pike
Nashville, Tennessee 37215
(615) 369-3300

Mark Cole (BPR #020020)
Assistant General Counsel
Tennessee Department of Health
Office of General Counsel
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243
(615) 741-1611
Approval by the Board

Upon the agreement of the parties and the record as a whole, this AGREED ORDER was approved as a FINAL ORDER by a majority of a quorum of the Tennessee Board of Chiropractic Examiners at a public meeting of the Board and signed this 5th day of October, 2018.

ACCORDINGLY, IT IS ORDERED that the agreements of the parties will, and hereby do, become the Final Order of the Board.

Chairperson/Acting Chairperson
Tennessee Board of Chiropractic Examiners

CERTIFICATE OF FILING

This Order was received for filing in the Office of the Secretary of State, Administrative Procedures Division, and became effective on the 19th day of October, 2018.

Richard Collier, Director
Administrative Procedures Division
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Douglas Tomanelli, D.C., by and through his attorney John Floyd, Floyd Law Group, 3990 Hillsboro Pike, Nashville, Tennessee 37215, by delivering same in the United States regular mail and United States certified mail, number 7017 3780 0000 9978 1982, return receipt requested, with sufficient postage thereon to reach its destination.

This 22nd day of October, 2018.

Mark Cole
Assistant General Counsel