

IN THE MATTER OF  
KY CARLSON

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). Ky Carlson (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. Nikki Karr, 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 the state of Texas.
3. Respondent held Texas Chiropractic License No. 09440, which was issued by the Texas Board of Chiropractic Examiners (TBCE) on February 6, 2003. However, Respondent has not been licensed as a chiropractor since September 18, 2013.
4. Respondent refers to himself as Dr. Ky or "doctor" in publications including informational handouts, educational materials, websites, social media, and videos displayed and disseminated on the internet.
5. Respondent's website and other promotional materials state that he practices functional medicine, functional endocrinology, and functional neurology.
6. Respondent's website and other promotional materials state that he is in the practice of educating and addressing, among others, hypoglycemia, nutritional issues, hormone imbalances, diabetes, thyroid disorders, and chronic degenerative diseases.
7. Respondent's website and other promotional materials make statements that show he is practicing medicine, such as:
  - a. "Although his original training is in chiropractic, Dr. Ky now practices functional medicine under a license from the PMA. He has devoted most of his career to continued learning in order to help his patients even more.

**FUNCTIONAL MEDICINE is a unique approach to health that addresses the cause of the problem rather than chasing symptoms like traditional medicine.”**

- b. “We use diagnostic evaluations and proven examination methods to determine what nutraceutical and supplements you and your body require to heal, repair, recover and/or maintain a state of wellness. . . we will only prescribe what you need, when you need it.”
- c. “The focus of Healthy Beginnings is in functional medicine and wellness. Incorporating the care of the whole person through neurology, endocrinology, immunology, nutrition and exercise...always asking the question: “WHY are you sick?” The goal is to focus on finding the root of the problem instead of just suppressing symptoms to make you feel better.”
- d. Respondent lists some of his services as “Neurological Regulation” and “Cold Laser Therapy.”

8. Respondent accepts payment for his services.

9. Respondent does not specify an authority for the use of the title of “Dr.” or “doctor.”

10. 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.

11. 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.

12. 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.

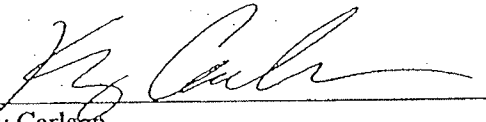
4. Any violation of this Order constitutes grounds for imposing an administrative penalty of up to \$5,000 for each violation, and/or each day of a continuing violation, of the Medical Practice Act or the Healing Arts Identification Act.

**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.**

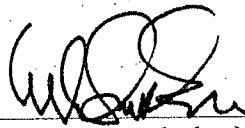
**THIS ORDER IS A PUBLIC RECORD.**

[SIGNATURE PAGES FOLLOW]

I, KY CARLSON, 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 10<sup>th</sup> DAY OF FEBRUARY, 2016.

  
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Ky Carlson  
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