BEFORE THE INDIANA BOARD OF CHIROPRACTIC EXAMINERS
CAUSE NUMBER: 2019 IBCE 0003

IN THE MATTER OF THE LICENSE OF)
)
GARRY E. BUCHANAN, D.C.)
LICENSE NO.: 08000701A (ACTIVE))

FILED
AUG 17 2021
Indiana Professional Licensing Agency

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana Board of Chiropractic Examiners ("Board") conducted an administrative hearing on July 8, 2021, by videoconference concerning Garry Buchanan's ("Buchanan") request to withdraw probation from his license as a chiropractor.

At the July 8, 2021, hearing, Buchanan appeared in person through the videoconferencing platform.

The Board, after consideration of the evidence and taking official notice of its file in this matter, by a vote of 4-0 of the members present and voting, issues the following Findings of Fact, Conclusions of Law and Order:

FACTS

1. Buchanan, whose mailing address is 7355 Pine Hill Drive SE, Elizabeth, Indiana 47117, is a Chiropractor with license number 08000701A.

2. Buchanan received timely and proper notice of the date, time, and location of this hearing pursuant to Ind. Code § 4-21.5-3-20.

3. The Board is empowered to hold this administrative hearing pursuant to the authority of Ind. Code § 25-1-9-9 and Ind. Code § 4-21.5-3.

4. On February 21, 2020, Petitioner's license was placed on indefinite probation pursuant to a settlement agreement with the State, which the Board accepted. Petitioner stipulated

that in 2018 he was convicted for Public Indecency, a Class A Misdemeanor, which is a crime harmful to the public and is subject to discipline under Ind. Code § 25-1-9(a)(2)(B).

5. In February 2021, Buchanan requested that the probation on his license be withdrawn.

6. At the July 8, 2021, hearing on withdrawal of probation, Buchanan presented evidence that he had complied with the terms and conditions of the "Final Order Accepting Proposed Settlement Agreement" signed February 21, 2020.

7. Buchanan's compliance with his probation constitutes evidence that the deficiency that required probation has been remedied.

CONCLUSIONS OF LAW

1. "The board may withdraw or modify the probation … if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order." Ind. Code § 25-1-9-9.

2. Buchanan's compliance with his probation constitutes evidence that the deficiency that required probation has been remedied.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board **WITHDRAWS** the probation on Buchanan's license.

SO ORDERED, this 17th day of August, 2021.

INDIANA BOARD OF CHIROPRACTIC EXAMINERS

By: Cindy A Vaught
for Marian Kaes, D.C., Chair

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been duly served upon:

Garry Buchanan, D.C.
7355 Pine Hill Dr SE
Elizabeth, Indiana 47117
Service by U.S. Mail

Ryan P. Eldridge, Deputy Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Email: Ryan.eldridge@atg.in.gov
Service by Email

5/17/2021
Date

Cindy A. Vaught, Board Director

Indiana Board of Chiropractic Examiners
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, Indiana 46204
Phone: (317) 234-2003
Fax: (317) 233-4236
Email: cvaught@pla.gov

Explanation of Service Methods
Personal Service: by delivering a true copy of the aforesaid document(s) personally.
Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.
Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.