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<p><b>STATE OF COLORADO</b>  <b>OFFICE OF ADMINISTRATIVE COURTS</b></p> <p>633 17<sup>th</sup> Street, Suite 1300  Denver, Colorado 80202</p> <hr/> <p><b>BEFORE THE COLORADO MEDICAL BOARD,</b></p> <p>IN THE MATTER OF PROCEEDINGS REGARDING  THE COLORADO MEDICAL BOARD'S ORDER TO  CEASE AND DESIST THE UNLICENSED  PRACTICE OF MEDICINE IN THE STATE OF  COLORADO BY:</p> <p><b>BRANDON CREDEUR, D.C. and</b>  <b>HEATHER CREDEUR, D.C., a.k.a.</b>  <b>STONE-CREDEUR FAMILY CHIROPRACTIC-</b>  <b>P.C., d/b/a FUNCTIONAL ENDOCRINOLOGY</b>  <b>INSTITUTE/or/CENTER OF COLORADO,</b></p> <p>Respondents.</p>	<p>13 AUG 27 PM 4:11</p> <p>▲ <b>COURT USE ONLY</b>  <b>ADMINISTRATIVE COURTS</b></p> <hr/> <p><b>CASE NUMBER:</b></p>
<p><b>NOTICE OF DUTY TO ANSWER, NOTICE TO SET, NOTICE OF HEARING, NOTICE OF CHARGES, AND OPTION TO ENGAGE IN ALTERNATIVE DISPUTE RESOLUTION</b></p>	

TO: **BRANDON CREDEUR, D.C. and HEATHER CREDEUR, D.C.**

**NOTICE OF DUTY TO ANSWER**

YOU ARE HEREBY NOTIFIED that, pursuant to § 24-4-105(2)(b), C.R.S., you are required to file a written answer to the attached Notice of Charges with the Office of Administrative Courts ("OAC"), 633 Seventeenth Street, Suite 1300, Denver, Colorado 80202, within 30 days after the mailing of this Notice of Duty to Answer, Notice to Set, Notice of Hearing, Notice of Charges, and Option to Engage in Alternative Dispute Resolution (collectively referred to as "Notice of Charges"). You must also mail a copy of such answer to the Assistant Attorney General who has signed this Notice of Charges for the Colorado Medical Board ("the Board").

If you fail to file your written answer within 30 days, without further notice an order entering a default decision may be issued against you for the relief requested in the Notice of Charges or such other penalties which may be provided for by law.

## NOTICE TO SET

YOU ARE HEREBY NOTIFIED that the attorney for the Board or representative will appear at 9:00 a.m. on **September 13, 2013**, at OAC, 633 Seventeenth Street, Suite 1300, Denver, Colorado 80202, in order to set the date, time, and location for a hearing regarding the following Notice of Charges. You may be present in person or by counsel, or you may make prior arrangements to be reached by telephone at the time and date specified above by contacting the setting clerk **in advance** of the day of setting at (303) 866-5797. In the event you do not appear, a date will be obtained and you will be notified in writing of the hearing date, time, and place.

## NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that pursuant to §§ 12-36-111.3, 12-36-118(14) (b), 24-4-104, and 24-4-105, C.R.S., a hearing will be held before an authorized administrative law judge at a time and location to be determined pursuant to the attached Notice to Set for the purpose of determining whether the above-named Respondents engaged in acts or practices in violation of §§ 12-36-106(1), 12-36-106(2), 12-36-106(3), 12-36-106(4) and 12-36-118, C.R.S.

YOU ARE FURTHER NOTIFIED that at the hearing in this matter, you shall have the right to appear in person and/or by legal counsel, to present evidence in your own behalf, to cross examine any witnesses presented by the Board, and to rebut any evidence presented by the Board. You may also have subpoenas issued on your behalf in compliance with OAC General Services Rules of Procedure Rule 18.

## NOTICE OF CHARGES

### **Jurisdiction and Allegations:**

1. The Panel has jurisdiction over Respondents and the subject matter herein pursuant to the Medical Practice Act at § 12-36-101, *et seq.*, C.R.S. in that there exists credible evidence that Respondents have acted without the required license to practice medicine, in violation of §§ 12-36-106 (1)(a), (b), (c), (d), 12-36-106 (2), 12-36-106(3), 12-36-106 (4), or 12-33-118, C.R.S.
2. Respondent Brandon Credeur, D.C. ("Respondent B. Credeur"), is the incorporator, operator, shareholder, Secretary and registered agent of Respondent **STONE-CREDEUR FAMILY CHIROPRACTIC-PC**, ("Respondent Family Chiropractic P.C.").

3. Respondent Heather Credeur, D.C. ("Respondent H. Credeur") is the shareholder and President of Respondent Family Chiropractic P.C.
4. Respondent Family Chiropractic P.C. transacts business under the trade name, "Functional Endocrinology Center of Colorado."
5. Respondents B. Credeur and H. Credeur are not and never have been licensed to practice medicine in the State of Colorado.
6. Respondents B. Credeur and H. Credeur are licensed as chiropractors in the State of Colorado.
7. Respondents B. Credeur and H. Credeur use the email address "drbrandoncredeur@aol.com" to promote the business of Respondent Family Chiropractic P.C.
8. The email address "drbrandoncredeur@aol.com" contains reference to the abbreviation "Dr." without an accompanying designation of "chiropractic" or "D.C." in the email address.
9. Respondents B. Credeur and H. Credeur employ a website to promote the business of Respondent Family Chiropractic P.C.
10. Respondents B. Credeur's and H. Credeur's website uses the web address "www.drcreduer.com" ("Company Website").
11. A copy of the website is attached hereto on compact disc in two formats (interactive and passive view) as Exhibits 1 & 2.
12. The Company Website address contains reference to the abbreviation "Dr." without an accompanying designation of "chiropractic" or "D.C." in the Company Website's address.
13. The Company Website presents the business name "Functional Endocrinology Center of Colorado."
14. Respondents B. Credeur and H. Credeur use the terms "doctor" and "Functional Endocrinology" in the Company Website to advertise, describe or explain the services that they provide, without an accompanying designation of "chiropractic" or "D.C." or otherwise in a manner clearly indicating that the services are chiropractic.
15. Respondents B. Credeur's and H. Credeur's Company Website includes the following statement:

In functional endocrinology, the doctor identifies that function has been lost and asks a much more important question: **Why has function been lost? And what can we do to restore function?** In other words, the doctor looks to find the **ROOT CAUSE** or mechanism involved with any loss of function, which ultimately reveals why a set of symptoms is there in the first place, or why the patient has a particular disease label...The point is the example and distinction made between the **drug therapy model** that is traditional medicine and a doctor who looks at mechanisms (i.e., contributing causes and thus a doctor who practices within the model of "Functional Endocrinology").

16. Respondents B. Credeur and H. Credeur use the terms "doctor" and "Functional Endocrinology" in the Company Website to advertise, describe or explain the services that they provide, without an accompanying designation of "chiropractic" or "D.C." or otherwise in a manner clearly indicating that the services are chiropractic.
17. Respondents B. Credeur's and H. Credeur's Company Website includes the following statement:

You see, where most physicians test for blood sugar levels and A1C levels and not much else, I've designed an integrative testing approach that goes into much more depth. I then use my detailed findings to individually tailor and customize a treatment plan for each patient based on his or her own underlying causative factors.
18. Respondents B. Credeur and H. Credeur use the title "physician" in the Company Website to advertise, describe or explain the chiropractic services that they provide, in a manner failing to make clear that Respondents are chiropractors.
19. Respondents B. Credeur and H. Credeur suggest in the Company Website that they have an effective treatment or cure for endocrine dysfunction.
20. Respondents B. Credeur and H. Credeur termed this treatment or cure "functional endocrinology."
21. Respondents B. Credeur and H. Credeur suggest that this treatment is mutually exclusive to conventional medical endocrinology treatment by a licensed physician.

22. Respondents B. Credeur and H. Credeur suggest in the Company Website that they can, exclusively through chiropractic practice, permanently reduce and eliminate the risk factors of diabetes.
23. Respondents B. Credeur and H. Credeur suggest in the Company Website that they can, exclusively through chiropractic practice, eliminate low thyroid symptoms.
24. Respondents B. Credeur and H. Credeur suggest in the Company Website, in relation to the treatment of endocrine dysfunction, that they can assume sole responsibility for treatment of patients regarding medications requiring a prescription by a licensed physician.
25. Respondents B. Credeur and H. Credeur suggest in the Company Website, in relation to the treatment of endocrine dysfunction, that they can assume sole responsibility for patients regarding medications prescribed by a physician, without professional collaboration with a licensed physician.
26. Respondents B. Credeur and H. Credeur suggest in the Company Website, in relation to the treatment of endocrine dysfunction, that they can assume sole responsibility for patients regarding medications prescribed by a physician, without referral to a licensed physician.
27. Respondents B. Credeur and H. Credeur have engaged in activities beyond the scope of authority provided them by their chiropractic licenses.
28. The physical address for the Functional Endocrinology Center of Colorado associated with the Company Website is 4155 E. Jewell Ave., Suite 1018, Denver, CO 80222-4512.
29. Respondents B. Credeur and H. Credeur maintain the physical office location of 4155 E. Jewell Ave., Suite 1018, Denver, CO 80222-4512 for the purpose of examining or treating persons afflicted with the disease, injury, or defect of the body or mind referenced above in Paragraphs 15-26.
30. Based on the facts set out herein, which constitute credible evidence that Respondents B. Credeur and H. Credeur engaged in the unauthorized practice of medicine, the Board issued a Cease and Desist Order on June 19, 2013, which was timely appealed. A copy of the Cease and Desist Order is attached hereto as Exhibit 3.

## COUNT I

### **Holding Oneself Out to the Public as Being Authorized to Practice Medicine – Use of Title**

31. The Board incorporates paragraphs 1 through 30 by this reference as if fully set forth herein.
32. Respondents B. Credeur and H. Credeur held themselves out to the public as being authorized to provide medical services via the [www.drcreduer.com](http://www.drcreduer.com) website without an accompanying designation of “chiropractic” or “D.C.” in the website address.
33. Respondents B. Credeur and H. Credeur held themselves out to the public as being authorized to provide medical services via use of the email address “drbrandoncredeur@aol.com” without an accompanying designation of “chiropractic” or “D.C.” in the email address.
34. Respondents B. Credeur and H. Credeur held themselves out to the public as being authorized to provide medical services via use of the terms “doctor” or “Functional Endocrinology” in the Company Website to advertise or explain the services that they provide, without an accompanying designation of “chiropractic” or “D.C.” or otherwise in a manner clearly indicating that the services are chiropractic and not medical.
35. Respondents B. Credeur and H. Credeur held themselves out to the public as being authorized to provide medical services via use of the title “physician” in the Company Website to advertise, describe or explain the chiropractic services that they provide, thus failing to make clear that Respondents are chiropractors and are not licensed physicians.
36. Holding oneself out to the public as being authorized to provide medical services by reference to titles suggesting medical licensure, such as “physician” or “doctor” or abbreviations such as “Dr.” without an accompanying designation of “chiropractic” or “D.C.” in the reference, violates §§ 12-36-106(1)(d), 12-36-106(3)(f), 12-36-106(4), and 12-36-118, C.R.S.
37. Violations of §§ 12-36-106(1)(d), 12-36-106(3)(f), 12-36-106(4), and 12-36-118, C.R.S. constitute the unauthorized practice of medicine under § 12-36-106(2), C.R.S.

38. The violations set forth in paragraphs 32-35 of this Count I each constitute separate, alternative grounds to sustain the Cease and Desist Order issued June 19, 2013 pursuant to §§ 12-36-111.3 and 12-36-118(14)(a), C.R.S.

## COUNT II

### **Holding Oneself Out to the Public as Being Able to Provide Medical Services – Representation of Exclusivity regarding Diagnoses and Treatments**

39. The Board incorporates paragraphs 1 through 38 by this reference as if fully set forth herein.
40. Respondents B. Credeur and H. Credeur suggest in the Company Website that:
- a. they have an effective treatment or cure for endocrine dysfunction which is mutually exclusive to conventional medical endocrinology treatment by a licensed physician;
  - b. they can permanently reduce and eliminate the risk factors of diabetes;
  - c. they can eliminate low thyroid symptoms exclusively through chiropractic practice;
  - d. they can assume sole responsibility for treatment of patients regarding medications requiring a prescription by a physician; and
  - e. they can assume sole responsibility for treatment of patients regarding medications requiring a prescription by a physician without professional collaboration with a licensed physician;
  - f. they can assume sole responsibility for treatment of patients regarding medications requiring a prescription by a physician without referral to a licensed physician.
41. By engaging in one or more of the acts described in this Count II, Respondents B. Credeur and H. Credeur held themselves out to the public as being able to diagnose, treat, prescribe for, palliate, or prevent human disease, ailment, or physical condition by the use of drugs, manipulation, the interpretation of tests, including primary diagnosis of pathology specimens, images, or photographs, or any physical, mechanical, or other means, which activities, each separately, as alleged in sub-paragraphs 40, a-f, constitute the practice of medicine beyond the scope of authority provided them by their chiropractic licenses, in violation of §§ 12-36-106(1)(a), C.R.S.

42. By engaging in one or more of the acts described in this Count II, Respondents B. Credeur and H. Credeur held themselves out to the public as being able to suggest, recommend, prescribe, or administer forms of treatment or healing for the intended palliation, relief, or cure of physical disease, ailment, or conditions of persons, which activities constitute the practice of medicine beyond the scope of authority provided them by their chiropractic licenses, in violation of §§ 12-36-106(1)(b), C.R.S.
43. Violations of §§ 12-36-106(1)(a) and (b), C.R.S. constitute the unauthorized practice of medicine under § 12-36-106(2), C.R.S.
44. The violations set forth in this Count II at sub-paragraphs 40, a-f each separately constitute alternative grounds to sustain the Cease and Desist Order issued June 19, 2013 pursuant to §§ 12-36-111.3 and 12-36-118(14)(a), C.R.S.

### COUNT III

#### **Maintenance of Company Website and Physical Office to Provide Medical Services**

45. The Board incorporates paragraphs 1 through 44 by this reference as if fully set forth herein.
46. Respondents B. Credeur's and H. Credeur's maintenance and employment of the Company Website, and the physical office location of 4155 E. Jewell Ave., Suite #1018, Denver, CO 80222 to promote the provision of medical services, each separately constitute maintenance of a "place" for purposes of examining or treating persons afflicted with disease, injury, or defect of the body or mind, in violation of § 12-36-106(1)(c), C.R.S.
47. Violation of §§ 12-36-106(1)(c), C.R.S. constitutes the unauthorized practice of medicine under § 12-36-106(2), C.R.S.
48. The violations set forth in this Count III each constitute grounds to sustain the Cease and Desist Order issued June 19, 2013 pursuant to §§ 12-36-111.3 and 12-36-118(14)(a), C.R.S.

WHEREFORE, the Board requests, pursuant to §§ 12-36-111.3 and 12-36-118(14)(b), C.R.S., that the Cease and Desist Order issued June 19, 2013 be sustained, and such further relief as is authorized by law.



Respectfully submitted this 27<sup>th</sup> day of August, 2013.

JOHN W. SUTHERS  
Attorney General



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First Assistant Attorney General  
Business & Licensing Section  
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\*Counsel of Record

**STATE OF COLORADO OFFICE OF ADMINISTRATIVE COURTS  
OPTION TO ENGAGE IN ALTERNATIVE DISPUTE RESOLUTION  
(MEDIATION)**

**CASE NAME: COLORADO MEDICAL BOARD vs. BRANDON CREDEUR, D.C. and HEATHER CREDEUR, D.C., a.k.a. STONE-CREDEUR FAMILY CHIROPRACTIC-P.C., d/b/a FUNCTIONAL ENDOCRINOLOGY INSTITUTE /or/ CENTER OF COLORADO**

CASE NUMBER: \_\_\_\_\_

This agency disciplinary case will be scheduled for hearing before an Administrative Law Judge of the Office of Administrative Courts ("OAC"). OAC encourages parties to use alternative methods of dispute resolution and offers to the agency and the respondent the opportunity to engage in mediation.

Mediation is a process in which a neutral third party meets with the parties to assist the parties in reaching a negotiated settlement of the disciplinary case. If the parties are able to reach an agreement in this way, they will control the outcome of this disciplinary case by agreeing to a solution, rather than having a solution imposed upon them by an Administrative Law Judge after a hearing.

In mediation, the mediator facilitates communication between the parties in a private, confidential and informal meeting. If the respondent has an attorney, the attorney will participate. The mediator has no decision-making authority; no settlement or solution to the disciplinary case will be achieved unless both parties are in agreement. A mediator can often help the parties generate creative options to resolve the disciplinary case, even though those options would not be available if the case proceeded to a hearing before an Administrative Law Judge. Mediators may be able to assist the parties in reaching a settlement, even where the parties' prior, unassisted negotiations have failed to result in an agreement.

If both parties agree to mediate this disciplinary case, they may notify the Office of Administrative Courts, which will assign an Administrative Law Judge to conduct the mediation. All of the Administrative Law Judges in the OAC are trained as mediators and are available to the parties for this purpose. An Administrative Law Judge who serves as a mediator acts in a completely confidential manner and has no contact with the judge to whom the case is assigned for hearing.

The parties should indicate whether they wish to engage in mediation by completing the information on the following page of this form. The respondent should return the completed form to the Office of Administrative Courts, along with the answer to the Notice of Charges or Formal Complaint.

PLEASE COMPLETE FOLLOWING PAGE

**AGENCY'S ELECTION TO MEDIATE**  
(CHECK THE APPROPRIATE LINE)

     The **agency** in the disciplinary case described on the preceding page believes that mediation of this dispute is appropriate and elects to engage in mediation before an Administrative Law Judge of the Office of Administrative Courts.

  X   The **agency** in the disciplinary case described on the preceding page chooses not to engage in mediation at this time.

\_\_\_\_\_  
(Signature of Agency Official or  
Assistant Attorney General)

\_\_\_\_\_  
Date

**RESPONDENT'S ELECTION TO MEDIATE**  
(CHECK THE APPROPRIATE LINE)

     The **respondent** in the disciplinary case described on the preceding page believes that mediation of this dispute is appropriate and elects to engage in mediation before an Administrative Law Judge of the Office of Administrative Courts.

     The **respondent** in the disciplinary case described on the preceding page chooses not to engage in mediation at this time.

\_\_\_\_\_  
Name of Respondent (Print or Type)

\_\_\_\_\_  
(Signature of Respondent or  
Respondent's Attorney)

\_\_\_\_\_  
Date

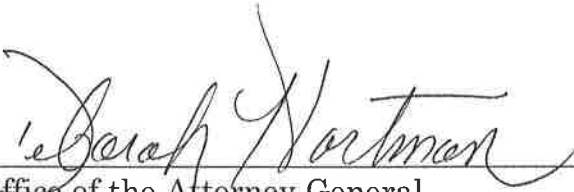
**THE RESPONDENT MUST RETURN THIS FORM TO THE OFFICE OF ADMINISTRATIVE COURTS, ALONG WITH THE ANSWER TO THE NOTICE OF CHARGES OR FORMAL COMPLAINT, EVEN IF THE RESPONDENT HAS NOT CHOSEN TO ENGAGE IN MEDIATION. THE ADDRESS OF THE OFFICE OF ADMINISTRATIVE COURTS IS 633 17<sup>th</sup> St., SUITE 1300, DENVER, COLORADO 80202. A COPY OF THIS FORM AND THE ANSWER OF THE RESPONDENT SHOULD ALSO BE SENT TO THE ATTORNEY GENERAL.**

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within NOTICE OF DUTY TO ANSWER, NOTICE TO SET, NOTICE OF HEARING, NOTICE OF CHARGES, AND OPTION TO ENGAGE IN ALTERNATIVE DISPUTE RESOLUTION upon all parties herein by depositing copies of same in the United States mail, first-class postage prepaid, at Denver, Colorado, this 27<sup>th</sup> day of Aug., 2013, addressed as follows:

Heather Credeur, D.C. & Brandon Credeur, D.C. [no attachments]  
STONE-CREDEUR FAMILY CHIROPRACTIC-PC  
4155 E. Jewell Avenue, Suite # 1018  
Denver, CO 80222

Kari Hershey, Esq., Attorney for Respondents [with attachments]  
C/O Hershey Decker  
10463 Park Meadows Drive, Suite 209  
Lone Tree, CO 80124

  
Office of the Attorney General