

IN THE MATTER OF
HOWARD LEWIS, D.C.,
Respondent
License No. S01081

BEFORE THE MARYLAND
STATE BOARD OF
CHIROPRACTIC EXAMINERS

Case Numbers: 22-13C & 22-17C

* * * * *

CONSENT ORDER
PROCEDURAL BACKGROUND

On May 11, 2023, the Maryland State Board of Chiropractic Examiners (the "Board") charged **HOWARD LEWIS, D.C.** (the "Respondent"), **LICENSE NUMBER S01081**, with violating the Maryland Chiropractic Act (the "Act"), Md. Code Ann., Health Occ. §§ 3-101 *et seq.* (2021 Repl. Vol. & 2023 Supp.).

Specifically, the Board charged the Respondent with violating the following provision of the Act under Health Occ. § 3-313:

Health Occ. §3-313. Denials, reprimands, suspensions, and revocations – Grounds.

Subject to the hearing provisions of § 3-315 of this subtitle, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, with or without conditions, or suspend or revoke a license, or any combination thereof, if the applicant or licensee:

(30) Fails to comply with any Board order.

On November 14, 2024, the Board convened a Case Resolution Conference ("CRC") in this matter. Pursuant to negotiations occurring at the CRC, the Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order, Consent and Notary.

FINDINGS OF FACT

The Board makes the following findings of fact:

Licensing History

- At all times relevant to these charges, the Respondent was and is licensed to practice chiropractic in the State of Maryland subject to a certain period of non-licensure. *See infra.*
- The Respondent was initially licensed to practice chiropractic in Maryland on February 27, 1972, under License Number S01081.
- On September 1, 2021, the Respondent allowed his license to expire without filing for renewal.
- On or about May 23, 2022, the Board received a Reinstatement and Reactivation Application from the Respondent.
- On or about November 16, 2022, the Respondent's license to practice chiropractic was reinstated.
- On or about August 18, 2023, the Respondent's license to practice chiropractic was renewed. The Respondent's license to practice chiropractic is scheduled to expire on September 1, 2025.

Prior Disciplinary History

- On or about May 11, 2023, the Board charged the Respondent with violations of the Maryland Chiropractic Act (the "Act"), Md. Code Ann., Health Occ. §§ 3-101 *et seq.* (2021 Repl. Vol. & 2022 Supp.) and Md. Code Regs. ("COMAR") 10.43.13.01 *et seq.*
- As a result of its investigation, the Board concluded as a matter of law that the Respondent was in violation of Health Occ. §§ 3-313 (19) and (28).

Consent Order

- On or about September 20, 2023, the Respondent entered into a Consent Order with the Board to resolve the charges the Board had issued against him on May 11, 2023. The Consent Order is attached hereto and incorporated herein as APPENDIX A.
- The terms and conditions of the Respondent's Consent Order included:

ORDERED, that the Respondent's license to practice chiropractic in the State of Maryland shall be **SUSPENDED** for a period of **ONE (1) YEAR** with One (1) Year Stayed;

ORDERED, that the Respondent's license to practice chiropractic in the State of Maryland shall be placed on **PROBATION** for a minimum period of **TWO (2) YEARS** subject to the following terms and conditions:

i. Within 30 days of the effective date of this Order, the Respondent shall obtain a Board-approved mentor to conduct periodic reviews, as fully described below, of the Respondent's records and to advise the Respondent about appropriate record keeping. The mentor shall be an individual licensed to practice chiropractic in the State of Maryland whose license has not been disciplined in the State of Maryland within the past five years. The Respondent shall ensure that the mentor has reviewed a copy of this Order prior to the first review period, which shall be evidenced by the mentor submitting a written affirmation to the Board, within 30 days of the Board's approval of that mentor, that he or she has reviewed the Order.

During the pendency of the Respondent's probation, the Respondent shall grant the mentor access to patient records randomly selected by the mentor. During the first year of the probation, the mentor shall submit reports to the Board detailing the Respondent's progress regarding recordkeeping no later than January 31, April 30, July 31, and October 31. During the second and any subsequent years of probation, the mentor shall submit progress reports on February 1 and August 1. It shall be the Respondent's responsibility to ensure that the mentor reviews at least 10 patient records per review period and that the confidentiality of all records and patient information is maintained;

ii. Within six (6) months of the date of this Order, the Respondent shall enroll in and successfully complete a Board-approved course in professional ethics;

iii. Within six (6) months of the date of this Order, the Respondent

shall enroll in and successfully complete a Board-approved course in record keeping;

iv. Within six (6) months of the date of this Order, the Respondent shall pay a monetary penalty of **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)**[.]

- The Consent Order further states:

ORDERED that if the Board determines, after notice and an opportunity for an evidentiary hearing before the Board if there is a genuine dispute as to a material fact or a show cause hearing before the Board if there is no genuine dispute as to material fact, that the Respondent has failed to comply with any terms or condition of this Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, impose an additional monetary penalty upon the Respondent, or suspend or revoke the Respondent's license to practice chiropractic in Maryland[.]

Violations of Consent Order

- The Respondent failed to obtain a Board – approved Mentor within thirty (30) days of the effective date of the Consent Order. On October 26, 2023, the Mentor sent an email to the Board which stated "...[t]his is for the case of Howard Lewis DC. I am asking for approval to be his mentor and I have read the order and understand the deadlines set forth for the records review..." The Respondent subsequently submitted a request for approval of the mentor to the Board.
- The Respondent's Mentor was approved by the Board on November 11, 2023. Notice of the approval was delivered to the Respondent on November 27, 2023. Pursuant to the terms of the Consent Order, the Respondent's Board-approved Mentor was required to submit written acknowledgement that he had received a copy of the Consent Order by December 27, 2023. The Board has not received written acknowledgement from the Board-approved Mentor that he received a copy of the Consent Order.
- Written reports detailing the Respondent's progress regarding record keeping were required to be submitted to the Board no later than January 31, April 30, July 31. The Respondent's mentor submitted two (2) out of an expected four (4) reports. The mentor submitted a report dated April 1, 2024 (late) and a report dated October 28, 2024.
- The Respondent has failed to provide the Board with documentation of the successful completion of a Board-approved course in professional ethics within six (6) months of the effective date of the Consent Order.
- The Respondent has failed to provide the Board with documentation of the successful completion of a Board-approved course in record keeping within six (6) months of the effective date of the Consent Order.
- The Respondent was required to pay a fine in the amount of \$2,500 to the Board within six (6) months of the effective date of the Consent Order. On or about May 23, 2024, the Board received a check from the Respondent in the amount of \$2,400.00. The payment was received over eight (8) months after the effective date of the Consent Order. On May 24, 2024, the Board emailed the Respondent acknowledging receipt of the \$2,400.00

payment and advising that the fine set forth in the Consent Order is \$2,500.00. Subsequently, the Respondent paid the remaining \$100.

DISCUSSION

Respondent admits to that he failed to comply with the September 20, 2023 Consent Order. The Board finds that the Respondent's actions constitute misconduct that falls within category F(1) of the Board's sanctioning guidelines. See COMAR 10.43.16.06f(1). The range of potential sanctions under category F(1) includes suspension for three years, without stay for at least ten days, and probation for three years, and conditions to revocation. *Id.*

Respondent has no prior patient complaints or malpractice actions against his license in the State of Maryland.

Respondent has been a proponent of the chiropractic profession, having served as board member, vice president and president on the Board of the Maryland Chiropractic Association and as vice president and president of the Maryland Board of Chiropractic Examiners.

Respondent voluntarily admitted his misconduct.

CONCLUSIONS OF LAW

Based on the Foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent is in violation of Health Occ. §§ 3-313 (30).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by a majority of the Board considering this case:

ORDERED that the **STAY** of the **SUSPENSION** issued on September 20, 2023 of the Respondent's license to practice chiropractic in the State of Maryland, **LICENSE NUMBER S01081**, shall be **LIFTED FOURTEEN (14) DAYS from the effective date of this Consent Order** ; and it is further

ORDERED that the Respondent's license to practice chiropractic in the State of Maryland shall be **SUSPENDED FOURTEEN (14) DAYS from the effective date of this Consent Order** until the **following** conditions are satisfactorily completed:

- The Respondent shall submit to a complete neurological, psychological, and physical examination by Board-approved qualified evaluator(s) for the purposes of determining the Respondent's fitness to practice chiropractic in a reasonably safe manner. The Respondent shall sign all necessary release/consent forms required to authorize disclosure of the Board-approved qualified evaluator(s)' written report(s) to the Board. Furthermore, the Respondent consents to the use and disclosure of the Board-approved qualified evaluator(s)' report(s), as well as any other medical, mental health, or substance use treatment disorder records, in any subsequent Board proceeding, including but not limited to, any final public order issued by the Board. The Respondent shall not withdraw the release/consent(s). The Board shall pay all costs associated with the required examination by Board-approved qualified evaluator(s) set forth above;
- Based upon his or her findings and opinions, the Board-approved qualified evaluator(s) shall, within **FIFTEEN (15) DAYS** of the evaluation(s), issue to the Board a report(s) of his or her findings and opinions. In his or her report(s), the Board-approved qualified evaluator(s) shall recommend either (1) appropriate conditions under which the Respondent may continue to practice in a reasonably safe manner or (2) that the Respondent cease the practice of chiropractic, either temporarily or permanently, and shall specify what conditions, if any, the Respondent must adopt in order to resume

practice in a reasonably safe manner;

- The Respondent shall follow any and all recommendations of the Board-approved qualified evaluator(s) from the evaluation(s). Failure to immediately follow all recommendations of the Board-approved qualified evaluator(s), in the sole determination of the Board, shall constitute a violation of this Consent Order;

ORDERED that that upon providing the Board with satisfactory documentary evidence, in the sole determination of the Board, that he has been evaluated and deemed capable of practicing chiropractic in a reasonably safe manner, the Respondent may submit a written petition to the Board requesting termination of the suspension. After consideration of the petition, the Respondent may be required to appear before the Board to discuss his petition for termination and the suspension may be terminated, through order of the Board, or a designated Board committee. The Board or designated Board committee, may grant the termination if the Respondent has fully and satisfactorily complied with all suspension conditions listed above, has been deemed capable of practicing chiropractic in a reasonable safe manner, and there are no pending Board complaints against the Respondent related to matters involved in this case. If the Board determines it is safe for the Respondent to return to the practice of chiropractic, the Board may impose any terms and conditions it deems appropriate on the Respondent's return to practice; and it is further

ORDERED that upon the Board's termination of the suspension, the Respondent's license to practice chiropractic in the State of Maryland, **LICENSE NUMBER S01081**, shall immediately be placed on **PROBATION** for a minimum period of **TWO (2) YEARS** subject to the following terms and conditions:

- Within **THIRTY (30) DAYS** of his license being placed on **PROBATION**, the Respondent shall obtain a Board-approved mentor to conduct periodic reviews, as fully described below, of the Respondent's records and to advise the Respondent about appropriate record keeping. The mentor shall be an individual licensed to practice chiropractic in the State of Maryland within the past five years. The Respondent shall ensure that the mentor has reviewed a copy of this Consent Order prior to the first review period, which shall be evidenced by the mentor submitting a written affirmation to the Board, **WITHIN THIRTY (30) DAYS** of the Board's approval of that mentor, that he or she has reviewed the Order.
- During the pendency of the Respondent's probation, the Respondent shall grant the mentor access to patient records randomly selected by the mentor. During the Respondent's probation, the mentor shall submit **WRITTEN QUARTERLY REPORTS** to the Board detailing the Respondent's progress regarding record keeping. It shall be the Respondent's responsibility to ensure that the mentor submits timely reports to the Board. It shall be the Respondent's responsibility to ensure that the mentor reviews at least 10 patient records per review period and that the confidentiality of all records and information shall be maintained;

ORDERED that within **FORTY -FIVE (45) DAYS** of his license being placed on **PROBATION**, the Respondent shall enroll in and successfully complete a Board-approved course in professional ethics, and shall provide the Board with documentary evidence of the successful completion of the ethics course; and it is further

ORDERED that within **FORTY -FIVE (45) DAYS** of his license being placed on **PROBATION**, the Respondent shall enroll in and successfully complete a Board-approved

course in record keeping, and shall provide the Board with documentary evidence of the successful completion of the course in record keeping; and it is further

ORDERED that no part of the training or education that the Respondent receives in order to comply with this Consent Order may be applied to his continuing education credits required for licensure; and it is further

ORDERED that the Respondent shall comply with the Maryland Chiropractic Act and all laws, statutes and regulations pertaining thereto; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order, except as otherwise indicated in this Consent Order; and it is further

ORDERED that after the conclusion of the **TWO (2) YEAR** probationary period, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated through order of the Board. The Board shall administratively grant the termination of probation if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions and that there are no pending complaints of a similar nature; and it is further

ORDERED that if the Board determines, after notice and an opportunity for an evidentiary hearing before the Board if there is a genuine dispute as to a material fact or a show cause hearing before the Board if there is no genuine dispute as to material fact, that the Respondent has failed to comply with any terms or condition of this Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, impose an additional monetary penalty upon the Respondent, or suspend or revoke the Respondent's license to practice chiropractic in Maryland; and it is further;


ORDERED, that there shall be no early termination of the probation; and it is further

ORDERED that at all times cooperate with the Board and any of its agents or employees, including the Board approved mentor, in the monitoring, supervision, and investigation of the Respondent's compliance with the terms and conditions of this Order; and it is further

ORDERED that any time period prescribed in this Consent Order begins when the Consent Order goes into effect. The Consent Order goes into effect upon the signature of the Board's President; and it is further;

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101, *et. seq.* (2019 Repl. Vol.).

1/21/2025
Date


Dr. Paul Abosh, D.C., President
Maryland State Board of Chiropractic Examiners

CONSENT

I, Howard Lewis, D.C., acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the purposes of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions. I acknowledge the violations as set forth above and accept personal

responsibility for my actions.

I acknowledge the validity of this Consent Order as if entered into after the conclusions of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forgo my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce the Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order, voluntarily and without reservation, after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

1-9-25
Date


Howard Lewis, D.C.
Respondent

Read and approved:

Marc K. Cohen, Esq.
Counsel for Dr. Lewis

NOTARY

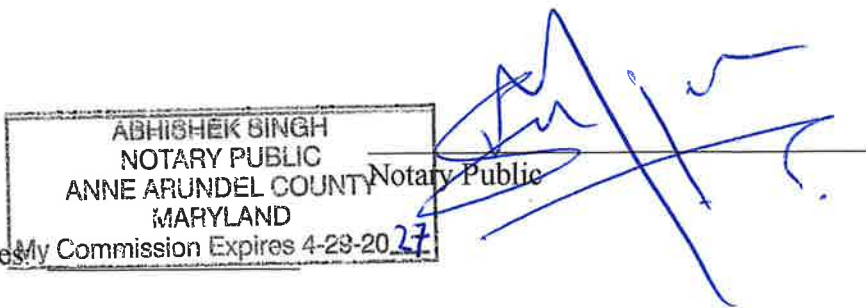
STATE OF:

CITY/COUNTY:

I **HEREBY CERTIFY** that on this 9th day of January, ~~2024~~ ²⁰²⁵ before me, Notary Public of the State and City/County aforesaid, **HOWARD LEWIS, D.C.**, personally appeared, and made an oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

SEAL


The notary seal is rectangular and contains the text: ABHISHEK SINGH, NOTARY PUBLIC, ANNE ARUNDEL COUNTY, MARYLAND. Below the seal, the text "My Commission Expires 4-29-20~~27~~²⁷" is visible. A large blue signature is written over the seal and extends to the right.

CONSENT

I, Howard Lewis, D.C., acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the purposes of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions. I acknowledge the violations as set forth above and accept personal responsibility for my actions.

I acknowledge the validity of this Consent Order as if entered into after the conclusions of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forgo my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce the Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order, voluntarily and without reservation, after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

Date

Howard Lewis, D.C.
Respondent

Read and approved:

Marc K. Cohen 1-10-25

Marc K. Cohen, Esq.
Counsel for Dr. Lewis