

IN THE MATTER OF
ALI AHADPOUR, D.C.
Applicant

* **BEFORE THE**
* **STATE BOARD OF**
* **CHIROPRACTIC AND MASSAGE**
* **THERAPY EXAMINERS**
* **Case No. 10-35C**

* * * * *

CONSENT ORDER

On December 9, 2010, The State Board of Chiropractic Examiners and Massage Therapy Examiners ("the Board") notified Ali Ahadpour, D.C., ("Dr. Ahadpour"), of the Board's denial of his request for reinstatement (received on March 22, 2010) of his chiropractic license because he did not meet the requisite standards for licensure, pursuant to the Maryland Chiropractic and Massage Therapy Act ("the Act"), Md. Health Occ. Code Ann. § 3-101, *et seq.* Specifically, the Board denied Dr. Ahadpour's request for reinstatement based on the fact that he lacks sufficient good moral character. *See id.* § 3-302(a). On May 12, 2011, the Board held a hearing to consider Dr. Ahadpour's request for reinstatement.

PROCEDURAL HISTORY

This case began in 2003 when Dr. Ahadpour's license was summarily suspended by the Board on April 2, 2003 based on criminal convictions for prescription fraud in Montgomery County Maryland. The Board Order concluded that Dr. Ahadpour was an inherent threat to the public health, safety and welfare. The Order offered that Dr. Ahadpour could request a hearing to dispute the Summary Suspension. Since 2003, Dr. Ahadpour failed to complete the

parameters of two drug rehabilitation programs offered by Montgomery County and the Board. Following the failure to complete the drug rehabilitation programs, Dr Ahadpour left the United States without notifying the Board and did not contact the Board again until 2010. On March 22, 2010, the Board received Dr. Ahadpour's request for reinstatement of his chiropractic license. On October 14, 2010, the Board held a show cause hearing to allow Dr. Ahadpour to show cause why the original Summary Suspension Order should be vacated. The Board unanimously voted that Dr. Ahadpour had failed to show cause and continued the Summary Suspension Order. On December 9, 2010, Dr. Ahadpour was advised by the Board that he was entitled to a full evidentiary hearing on matters related to his Summary Suspension. The full evidentiary hearing was held on May 12, 2011.

In applying for reinstatement, because of the length of time in a non-renewed/suspended status) Dr. Ahadpour was required to submit an application to practice chiropractic. By document dated February 24, 2011, Dr. Ahadpour submitted an application for reinstatement of licensure as a chiropractor in Maryland to the State Board of Chiropractic and Massage Therapy Examiners ("the Board"). Dr. Ahadpour answered "Yes" to Question 10 of the application, which states: "Has any license, certificate or diploma ever been granted to you and then subsequently suspended, revoked, withdrawn or terminated for any reason whatsoever?" Question 10 then stated "If yes, explain in attached sheet." Dr. Ahadpour failed to indicate an answer in Question 13, which states: "Have you ever been investigated for or charged with unethical practices, malpractice or

unprofessional conduct?" Dr. Ahadpour also answered "Yes" to Question 12, which states: "Have you ever been arrested or convicted of any crime (felony or misdemeanor)? Question 12 then stated "If yes, explain in attached sheet." Dr. Ahadpour also answered "Yes" to Question 14, which stated: "Have you ever had any disciplinary action (e.g. revocation, suspension, reprimand, fine, probation, consent agreement, etc) taken against a license to practice chiropractic or any other healthcare profession by any licensing authority of any jurisdiction?" Question 14 further stated: "If yes, explain in attached sheet."

Dr. Ahadpour stated in the attached sheet that he was "addicted and arrested and charged with over fifty different charges of obtaining controlled substances by false ID." Dr. Ahadpour further stated that due to these charges, he was subsequently investigated which resulted in his Maryland chiropractic license being summarily suspended in 2003.

Based on the April 2, 2003 suspension of Dr. Ahadpour's license, his failure to complete drug rehabilitation programs, the December 12, 2003 denial of Dr. Ahadpour's initial petition for reinstatement, and his failure to fully complete the application for licensure, the Board, by a majority of its full authorized membership, voted to deny Dr. Ahadpour's request to reinstate his chiropractic license. The Board granted Dr. Ahadpour a hearing to show that he was in fact qualified to be licensed in Maryland as a chiropractor.

Upon presentation to the Board of Dr. Ahadpour's request for a hearing, a hearing for the reconsideration of the denial for reinstatement of Dr. Ahadpour's

license was held on May 12, 2011. Dr. Ahadpour and the Board have agreed to this final Consent Order.

FINDINGS OF FACT

1. That Ali Ahadpour (Dr. Ahadpour or the "Applicant") was a licensed Chiropractor in Maryland, who was originally issued his license on February 14, 2002. Dr. Ahadpour's license expired September 3, 2003.

2. From on or about December 2, 2002 to on or about December 20, 2002, Dr. Ahadpour was employed as a chiropractor at the Takoma, Maryland clinic of Medisyn Provider Network, in Montgomery County.

3. That prior to that time, on August 2, 2002, Dr. Ahadpour was arrested and charged with three counts of prescription forgery involving Oxycodone and one count of misdemeanor theft. That subsequently, on August 15, 2002, Dr. Ahadpour was enrolled in the Montgomery County Intervention Program for Substance Abusers (the "Program"). Had Dr. Ahadpour successfully completed the program, and stayed arrest-free for a year, his charges would have been dropped and his record would be eligible for expungement.

5. That shortly after enrollment in the Program, on September 16, 2002, Dr. Ahadpour was charged with additional instances of prescription forgery, altering prescriptions, theft and fraud. Although Dr. Ahadpour was permitted to continue in the program, on 22 occasions between August 5, 2002 and February 27, 2003, he either tested positive for opiates or had unexcused absences.

6. That on December 20, 2002, Dr. Ahadpour was terminated from his employment at Medisyn after admitting to his Regional Director that he "had a drug problem and was going to admit himself into the Suburban Hospital-Rehabilitation Unit."

7. That on March 3, 2003, Dr. Ahadpour was served with a warrant alleging 10 counts of prescription fraud and that, as a result, Dr. Ahadpour was terminated from the Program. That also on that date, Dr. Ahadpour was terminated from the Chiropractic Board Rehabilitation Committee's program for failing to comply with treatment requirements and goals.

8. That on or about January 27, 2003, the Respondent became employed to provide chiropractic treatment at Karmich Chiropractic, in North Bethesda, Maryland.

9. That on March 3, 2003, after given the opportunity to mitigate license damages by enrolling in two rehabilitation programs, Dr. Ahadpour was terminated from both programs for failure to comply with treatment goals, as well as for being charged in Montgomery County with an additional 10 counts of prescription fraud.

10. On March 21, 2003, Dr. Ahadpour was again charged by the Montgomery County Police Department with prescription fraud for trying to obtain Percocet with an altered prescription on March 19, 2003.

11. That on April 2, 2003, the Board concluded, as a matter of law, that Dr. Ahadpour had violated § 3-313(a) (6),(8),(9),(17),(20),(21)and (27), based on these criminal charges, and that on that same date, by a majority vote of a

quorum of the Board, the license held by Dr. Ahadpour was summarily suspended and on December 12, 2003, Dr. Ahadpour's initial request for reinstatement was unanimously denied by the Board.

12. That on March 3, 2003, after given the opportunity to mitigate license damages by enrolling in two rehabilitation programs, Dr. Ahadpour was terminated from both programs for failure to comply with treatment goals, as well as for being charged with an additional 10 counts of prescription fraud.

13. In 2003, Dr. Ahadpour left the United States and moved to Iran in order to undergo a drug rehabilitation program. Dr. Ahadpour did not inform the Board of his whereabouts or renew his license.

14. Based on the April 2, 2003 suspension of Dr. Ahadpour's license, the Board voted to deny Dr. Ahadpour's February 24, 2011 application for reinstatement of his Chiropractic License.

15. On May 12, 2011, upon request of Dr. Ahadpour, a hearing was held before a quorum of the Board regarding the initial denial of his application for his Chiropractic License.

16. Dr. Ahadpour failed to submit the required character references as part of his application to become licensed as a chiropractor.

17. Dr. Ahadpour has not renewed his license or practiced chiropractic in Maryland since 2003.

CONCLUSIONS OF LAW

Based upon the foregoing Evidence and Findings of Fact, the Board agrees that Dr. Ahadpour could have been denied reinstatement as a Licensed

Chiropractor in Maryland. See Md. Code Ann., Health Occ. §3-302(b). The Board now agrees to issue Dr. Ahadpour license with the following conditions outlined in this order.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 23rd day of February 2012 that the majority of the Board hereby:

ORDERED that **Ali Ahadpour**, D.C. shall and pass the NCBE's Special Purposes Examination for Chiropractic ("SPEC") with a passing score of 375 or better; and it is further

ORDERED that the application of **Ali Ahadpour**, to practice chiropractic shall be reinstated after receiving a passing score on the SPEC or after April 20, 2012 whichever date is later; and it is further

ORDERED that once a license is issued and that **Ali Ahadpour** be placed on probation for twelve months, then he may petition the Board to have to have his probation lifted; and it is further

ORDERED that during the period of probation **Ali Ahadpour** shall submit to quarterly random drug screenings at a time, place and manner selected by the Board but at a location no further than 30 miles from Dr. Ahadpour's place of residence; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. §10-617(h), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that this Order is final and a public document pursuant to Md. State Govt. Code Ann. §§ 10-601 et seq. (2009 Repl. Vol. and 2011 Supp).

J. J. Vallone for by direction

J. J. VALLONE J.D.
Executive Director
Bd of Chiropractic &
Massage Therapy Examiners
4201 Patterson Avenue
Baltimore, MD 21215-2299

Date 2-23-2012

Stephanie J. Chaney, D.C. President

Board of Chiropractic Examiners

CONSENT OF ALI AHADPOUR, D.C.

I, Ali Ahadpour, D.C., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I agree and accept to be bound by the foregoing Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce the Consent Order. I also 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 after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and