

IN THE MATTER OF
LAKESHA BRAXTON, D.C.

Respondent

License Number 02152

* BEFORE THE STATE BOARD OF
* CHIROPRACTIC EXAMINERS

* Case No. 03-54C

* * * * *

CONSENT ORDER

Based on information received and a subsequent investigation by the Maryland State Board of Chiropractic Examiners (the "Board") charged Lakesha Braxton, D.C. (the "Respondent"), License Number 02152, with violating certain provisions of the Maryland Chiropractic Act (the "Act"), Md. Health Occ. Code Ann. §§ 3-101 *et seq.* (2000 Repl. Vol.). Specifically, the Board charged the Respondent with violation of the following provisions of § 3-313:

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:

- (2) Fraudulently or deceptively uses a license;
- (8) Is unethical in the practice of chiropractic;
- (9) Is professionally incompetent;
- (12) Makes or files a false report or record in the practice of chiropractic;
- (18) Practices chiropractic with an unauthorized person or supervises or aids an unauthorized person in the practice of chiropractic;
- (19) Violates any rule or regulation adopted by the Board;
- (20) Behaves immorally in the practice of chiropractic;

- (21) Commits an act of unprofessional conduct in the practice of chiropractic; [or]
- (25) Submits a false statement to collect fees for which services were not provided[;].

The regulations that the Board charged the Respondent with violating are Code Md.

Regs. ("COMAR") tit. 10, § 43:

Chapter 14 Code of Ethics

.03 Standards of Practice.

C. A chiropractor and chiropractic assistant shall:

- (2) Be professional in conduct, with honesty, integrity, self-respect, and fairness;

* * *

- (9) Report to the Board, or other appropriate authority, conduct in the practice of chiropractic that indicates a violation of:

- (a) This chapter,
- (b) Health Occupations Article, Title 3, Annotated Code of Maryland, or
- (c) Any other law, including but not limited to aiding or abetting the unauthorized practice of chiropractic.

D. A chiropractor and chiropractic assistant may not:

- (1) Misrepresent credentials, qualifications, or affiliations and shall attempt to correct others who misrepresent the chiropractor's or the chiropractic assistant's credentials, qualifications, or affiliations;
- (2) Knowingly engage in or condone behavior that is fraudulent, dishonest, or deceitful, or involves moral turpitude;[or]
- (3) Engage in a commercial activity which conflicts with the duties of a chiropractor and chiropractic assistant[;].

Chapter 15 Record Keeping

.03 Record Keeping.

- A. The chiropractor shall maintain accurate, detailed, legible, and organized records, documenting all data collected pertaining to the patient's health status.

The Respondent was given notice of the Board's charges, and accordingly a Case Resolution Conference was held on June 9, 2005. In attendance at the Case Resolution Conference were the Respondent, Marc K. Cohen, the Respondent's attorney, James C. Anagnos, Assistant Attorney General/Administrative Prosecutor, Grant Gerber, Board Counsel, Marc Gamerman, D.C., Board Vice President, and Kaye O'Hara, D.C., Board member. Following the Case Resolution Conference, the parties agreed to resolve the matter by way of a Consent Order, which includes Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds:

1. At all times relevant to the charges herein, the Respondent was licensed to practice chiropractic in the State of Maryland. The Respondent was first licensed to practice chiropractic in the State of Maryland on March 13, 2003. At all times relevant to the charges herein, the Respondent practiced at Genesis Chiropractic/Wellness Center, Inc., [hereinafter "Genesis"], 8605 Cameron Street, #303, Silver Spring, Maryland 20910.
2. On November 25, 2003, the Board received a complaint from an insurance company claims adjuster stating that the adjuster had received suspicious claims for treatment at Genesis.

3. The complaint alleged that claims were submitted under the Tax Identification Number of Woody Dorcely [hereinafter "Mr. Dorcely"], who was and is not a licensed chiropractor in the State of Maryland.
4. The complaint also alleged that the Respondent signed some of the patient records at Genesis, but she did not sign all of the records nor did she keep written notes of her treatment of patients.
5. The Respondent worked at Genesis from on or about April 18, 2003, until on or about October 28, 2003.
6. Mr. Dorcely told the Respondent during her interview that he was opening a new office and he wanted her to run the clinic while he did marketing.
7. Upon hiring the Respondent, Mr. Dorcely "trained" her on how he wanted her to examine and treat patients, as well as maintain patient records.
8. Throughout her employment at Genesis, Mr. Dorcely treated patients in the presence of the Respondent.
9. Mr. Dorcely directed the Respondent to provide every patient with the same treatment whether or not it was indicated by the patient's condition, and to bill the same treatment to maximize billing. For example, electrical stimulation was always set at the same setting regardless of the patient's symptoms and diagnoses.
10. The Respondent followed Mr. Dorcely's instructions on these issues, even though she knew that this was incompetent care and not in keeping with her training.
11. The Respondent did not keep written treatment notes as she saw each patient; instead, she would type treatment notes once per week on Thursdays after seeing up to 120 patients per week.

12. The Respondent also used a computer program to generate treatment notes; however, the computer program would not allow the Respondent to thoroughly document the treatment rendered to a patient.
13. The Respondent would print out treatment notes off of the computer and then she signed all treatment notes even when Mr. Dorcely provided the treatment.
14. The Respondent discovered in late August or early September 2003 that Mr. Dorcely was not licensed.
15. However, instead of immediately ceasing her employment at Genesis and reporting Mr. Dorcely to the Board and/or other authorities, she continued to work for him.
16. Furthermore, the Respondent continued to work at Genesis even though Mr. Dorcely refused to stop treating patients.
17. While the Respondent worked at Genesis, D.P. also worked there an assistant.
18. However, Ms. P was not registered by the Board as a chiropractic assistant, nor was she licensed to perform chiropractic or physical therapy in any capacity.
19. This notwithstanding, Ms. P assisted the Respondent or performed on her own treatments electrical stimulation, mechanical traction, and ultrasound.
20. On October 8, 2004, Mr. Dorcely was sentenced in Montgomery County District Court on four counts of Practicing Chiropractic without a License and two counts of Misrepresentation.
21. The Respondent fully cooperated with the State of Maryland in its prosecution against Mr. Dorcely, including testifying as a State's witness at Mr. Dorcely's trial.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated H.O. §§ 3-313(2), (8), (12), (18), (19)—*to wit*, COMAR 10.43.14.03 and COMAR 10.43.15.03—(20), (21) and (25).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law, and agreement of the parties, it is this 18th day of August, 2005, by a majority of a quorum of the Board,

ORDERED that the Respondent is hereby **REPRIMANDED**; and it is further

ORDERED that within one (1) year after the effective date of this Consent Order, the Respondent shall take and pass a Board-approved ethics course and the Board's jurisprudence examination; and it is further

ORDERED that this Consent Order is effective as of the date of its signing by the Board; and be it further

ORDERED that should the Respondent violate the terms of this Consent Order or should the Board receive in good faith information that the Respondent has substantially violated the Act, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of this Consent Order shall be on the Respondent to demonstrate compliance with this Consent Order; and it is further

ORDERED that the Respondent shall practice in accordance with the laws and regulations that govern the practice of chiropractic in the State of Maryland; and it is further

ORDERED that the Respondent shall be responsible for all costs associated with this Consent Order; and it is further

ORDERED that for purposes of public disclosure, as permitted by Md. State Govt. Code Ann. § 10-617(h) (Repl. Vol. 2004), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order and that the Board may also disclose same to any national reporting data bank to which it is mandated to report.

Date

8/12/05


MARC CAMERON D.C.
~~E. Brian Ashton, D.C., P.T.~~, President
State Board of Chiropractic Examiners

CONSENT OF LAKESHA BRAXTON, D.C.

I, Lakesha Braxton, D.C., by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, and have been advised by him of the legal implication of signing this Consent Order.
2. I am aware that without my consent, my license to practice chiropractic in the State of Maryland cannot be limited except pursuant to the provisions of § 3-313 of the Act and the Administrative Procedure Act, Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2004 Repl. Vol.).
3. I am aware that I am entitled to a formal evidentiary hearing before the Board.
4. By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law, and Order, provided that the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth

in § 3-315 of the Act and the Administrative Procedure Act, and any right to appeal as set forth in § 3-316 of the act and the Administrative Procedure Act.

5. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice chiropractic in the State of Maryland.

7/6/05
Date

Lakesha Braxton, D.C.
Lakesha Braxton, D.C.

STATE OF Maryland
CITY/COUNTY OF New Carrollton, Prince Georges County

I HEREBY CERTIFY that on this 6th day of July, 2005, before me, a Notary Public of the foregoing State and City/County, personally appeared Lakesha Braxton, D.C., License Number 02152, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Yamika Y. King
Notary Public

My Commission Expires: YAMIKA Y KING
Notary Public, Montgomery Co., MD
My Commission Expires Oct. 18, 2008