

IN THE MATTER OF
NICHOLAS DEZES, D.C.

License No.: S01510

Respondent

* BEFORE THE STATE
* BOARD OF CHIROPRACTIC
* EXAMINERS
* Case Number: 04-04C

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Chiropractic Examiners (the "Board"), and subject to Md. Health Occ. Ann. § 3-101, et seq., (2000 Repl. Vol.) (the "Act"), the Board charged Nicholas Dezes, D.C., (the "Respondent"), with violations of the Act. 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, or suspend or revoke a license if the applicant or licensee:

- (8) Is unethical in the conduct of the practice of chiropractic;
- (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;
- (21) Commits an act of unprofessional conduct in the practice of chiropractic;



- (22) Grossly overutilizes health care services;
- (25) Submits false statements to collect fees for which services were not provided;
- (28) Violates any provision of this title.

§ 3-404. Delegation of duties to assistant; qualifications for assistant.

A licensed chiropractor may delegate duties to an assistant to the extent permitted by the rules and regulations of the Board if the assigned duties do not require the professional skill and judgment of a licensed chiropractor. The rules and regulations shall also establish qualifications for the position of chiropractic assistant.

The Respondent further violated Code Md. Regs. tit. 10.43.07 (June 9, 2003):

.01 Definitions.

B. Terms Defined

- (4) "Direct supervision" means supervision provided by a supervising chiropractor who is personally present and immediately available in the treatment area where the procedures are performed to give aid, direction, and instruction when certain procedures or activities are performed.

.02 Board Approval Required.

A. A supervising chiropractor shall apply for and receive approval from the Board before undertaking to train or supervise a new applicant or chiropractic assistant.

B. The Board shall provide an application form.

C. The approval of an application by the Board for the training and supervision of an applicant and chiropractic assistant are subject to compliance with guidelines in this chapter.

D. The supervising chiropractor shall pay an application fee of \$125 as set by the Board.

.06 Responsibilities of the Supervising Chiropractor.

A. The supervising chiropractor is responsible for the safe and competent performance of the assigned duties of the applicant and the chiropractic assistant.

B. If an applicant leaves the employment of a supervising chiropractor before the completion of training, the supervising chiropractor shall submit written notice to the Board documenting the training received and number of hours completed.

C. An applicant who has left the employment of one supervising chiropractor shall be permitted to transfer the hours of in-service training to a subsequent supervising chiropractor. Before the applicant begins in-service training in the subsequent supervising chiropractor's office, the subsequent supervising chiropractor shall obtain Board documentation of the applicant's completed training and hours of in-service training as outlined in Regulation .03 of this chapter.

D. Official records of an applicant's education and in-service training shall be maintained by the Board.

.07 Supervision Requirements.

A. The supervising chiropractor shall ensure that a chiropractic assistant or an applicant performs the authorized procedures or activities under the direct supervision of a licensed chiropractor.

B. The supervising chiropractor shall be licensed in chiropractic with the right to practice physical therapy as set forth in Health Occupations Article, §3-301(c), Annotated Code of Maryland.

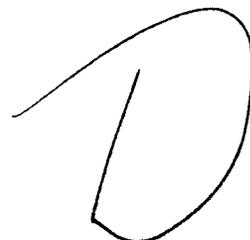
C. The supervising chiropractor shall provide direct supervision to not more than:

- (1) One applicant at a time for any of the procedures listed in Regulation .08 of this chapter; or
- (2) Three chiropractic assistants at a time for any of the procedures listed in Regulation .08 of this chapter.

D. A chiropractic assistant and an applicant shall perform without direct supervision, when carrying out the following activities:

(1) Non-treatment-related activities, such as:

- (a) Clerical,
- (b) Housekeeping duties, and



(c) Secretarial;

(2) Patient related activities that do not involve treatment, such as:

- (a) Removing and applying assistive and supportive devices,
- (b) Transporting patients,
- (c) Taking the height, weight, and vital signs of a patient, and
- (d) Undressing and dressing patients.

.09 Prohibited Acts. A chiropractic assistant and an applicant may not engage in the following activities:

- A. Communicate an evaluation to a patient or other parties without the authorization of the licensed chiropractor;
- B. Perform an act that requires the professional skill or judgment of a licensed chiropractor;

.10 Practicing Without Registration.

Except as otherwise provided in these regulations, a person may not practice, attempt to practice, or offer to practice as a chiropractic assistant in this State unless registered by the Board.

The Respondent was given notice of the issues underlying the Board's charges by letter dated January 24, 2006. Accordingly, a Case Resolution Conference was held on June 8, 2006, and was attended by Margaret E. Renzetti, D.C., Board Vice President, and Kay B. O'Hara, D.C., Board member, and Grant Gerber, Counsel to the Board. Also in attendance were the Respondent and his attorney, Marc K. Cohen, and the Administrative Prosecutor, Roberta Gill, Assistant Attorney General.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was licensed to practice chiropractic in Maryland. The Respondent was first licensed on June 13, 1990. The Respondent's license expires on August 31, 2005.

2. The Respondent has offices at two sites: one in downtown Baltimore on Chase Street, and the other in Fullerton, Baltimore County on Belair Road.

3. By document dated February 2, 2004, the Complainant/Ex-Employee A/Patient A¹ filed a complaint with the Board indicating that, *inter alia*, the Respondent employed unregistered Chiropractic Assistants (CA) at one of his offices, and, that all CAs were instructed to provide therapy to patients while a chiropractor was not present.

4. As a result of the receipt of said complaint, the Board began an investigation. On February 26, 2004, the Board's investigator went to the Respondent's Fullerton office and found that Jacqueline Pahl, who is not authorized as a CA by the Board, was performing physical therapy on patients. Ms. Pahl stated that she had been working for the Respondent for nine months and had been trained as a CA by Shaun Rutherford, who is a clerk and not a CA. The supervising chiropractor, Dr. A.², advised that he was an employee

1 Patient names are confidential.

2 The names of licensees were disclosed to the Respondent.

of the Respondent and that he was not aware that Ms. Pahl was not authorized by the Board to perform physical therapy on his patients.

5. On March 4, 2004, the Investigator went to the Respondent's downtown Baltimore office and discovered that Tonya Wilson, who is not authorized by the Board to practice as a CA, was performing physical therapy on patients. Ms. Wilson stated that she had been working for the Respondent for four months and had also been trained as a CA by Kelly Rutherford, who is the office manager and not a CA.

6. The supervising chiropractor at that office was the Respondent, who stated that he thought that his office had sent in all notifications of employment of CAs the day after the Investigator had visited the Fullerton office.

7. The Investigator thereafter contacted Ex-Employee B, who stated that the Respondent had his assistants perform physical therapy on patients, whether or not a chiropractor was in the building and that this was done on numerous occasions.

8. The Respondent has previously been advised by the Board about using unauthorized assistants. Specifically, on February 4, 1994, the Board advised the Respondent in writing that his allowance of "unsupervised, unlicensed individuals to perform ultrasound treatments" must cease immediately; and, by a Letter of Education, dated December 12, 2002, the Board again directed the Respondent to immediately cease using as assistants those not authorized by the Board. In response, on December 19, 2002, the Respondent wrote to the Board indicating that he intended to comply with the Letter of Education and to immediately make application and notify the Board of all CA applicants working in his office.

9. As a result of the above, the Board issued subpoenas for ten patient records, including that of the Complainant, on March 22, 2004. The Respondent failed to supply all of the records requested when the Board's investigator picked up the 10 files. Another portion of the subpoenaed records was later received on May 6, 2004 from the Respondent's former attorney's office. The last portion of the requested records was received from the Respondent on June 17, 2004.

10. A Summary Suspension Order against the Respondent was issued on May 24, 2004. On June 17, 2004, at a Show Cause hearing before the Board, the Board signed an Order Lifting/Terminating the Summary Suspension and reinstating the Respondent's practice under the following terms and conditions:

- A. The Respondent shall cease from supervising any CAs employed by him;
- B. The Respondent shall submit to the Board, within one week of this Order, a list of all CAs employed by him, designating which office location they are working and the name of the chiropractor who supervises them;
- C. The Respondent shall submit to the Board on a weekly basis thereafter the progress/status of each of those CAs who are not registered, e.g., how far along in the coursework they are, general duties, until such time as all CAs are registered by the Board;
- D. Within six months of the Order, the Respondent shall take, pass and document to the Board an ethics course pre-approved by the Board;
- E. Within three months of the Order, the Respondent shall take and pass, with the requisite percentage, the jurisprudence examination administered by the Board;

- F. The Respondent shall promptly notify the Board of any personnel changes involving CAs or chiropractors employed by him;
- G. The Respondent's offices shall be subject to random inspections by the Board or its agent;
- H. The Respondent shall obey all laws and regulations regarding the practice of chiropractic in the State of Maryland.

11. The Respondent fully complied with the Order. However, the Respondent failed to turn over all of the records subpoenaed by the Board. The Respondent's current attorney stated, in a letter to the Board dated July 20, 2004, that the Respondent had no further records, as requested by the Board.

12. The records obtained from the Respondent were missing the following documents:

- Patient A missing 35 SOAP notes for treatment from 10/1/02-11/21/03.
- Patient B missing 25 SOAP notes for treatment from 10/9/02-5/30/03.
- Patient C missing 72 SOAP notes for treatment between 2/11/03-10/29/03, travel card for treatment between 10/27/03-11/4/03, fee slips for treatment between 2/11/03-3/28/03 and invoices between 2/11/03-3/28/03.
- Patient D missing 43 SOAP notes 10/2/02-11/29/03, OPAP's fro treatment between 11/19/02-5/28/03.
- Patient E missing 28 SOAP notes for treatment between 8/13/02-11/21/03 and OPAP's for treatment between 10/16/02-2/18/03.
- Patient F missing 32 SOAP notes for treatment between 6/11/02-3/6/03 and OPAP's for treatment between 10/16/02-2/18/03.
- Patient G missing 51 SOAP notes for treatment between 9/30/02-9/17/03.

Patient H missing 22 SOAP notes for treatment between 9/18/02-5/19/03 and travel card for treatment between 5/15/03-5/19/03.

13. An analysis of the files disclosed that the Respondent maintained multiple record-keeping systems that did not match; notes that did not support the need for treatment; radiographs of poor diagnostic quality; billing forms signed by the Respondent, even though he had not performed the services noted; and, billing forms that contained data that could not be found in the patients' charts. In addition, a noticeable change in billing occurred after September 4, 2002.

14. In addition, the Respondent employed Dr. C to run the Fullerton office.

- A. On June 28, 2004, the Board received a Medical Malpractice Payment Report from the NCMIC Insurance Company.
- B. The subject of the report was Dr. C. who was employed by the Respondent on May 10, 2002, when the incident occurred.
- C. The report stated that a forty-seven year old female patient ("Patient I") alleged that electrical muscle stimulation therapy resulted in a burn and permanent scarring on her lower back.
- D. The patient further advised that the electrical muscle stimulation and moist heat were administered by a chiropractic assistant who was supervised by Dr. C.
- E. On July 7, 2004, the Board's investigator spoke to Patient I about this case and she stated that the CA who burned her was Tracy Vogtman.
- F. The Board did not receive a Notification of Employment of Applicant (for a C.A.) from the Respondent for Tracy Vogtman until July 10, 2002.

A handwritten signature in black ink, appearing to be the initials 'TV' or similar, enclosed within a large, irregular circular scribble.

- G. The Respondent indicated on the Notification that she had been employed by him since January 8, 2002.
- H. On July 26, 2004 the Board received Patient I's patient file from the Respondent in response to a Subpoena requesting the records relating to this case. The SOAP notes do not indicate who the chiropractor was who treated Patient I on May 10, 2002, nor does it indicate who the chiropractic assistant was.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 3-313 (8), (12), (16) (ii), (18), (19), (21), (22), (25), and (28); 3-404; Code Md. Regs. tit. 10, § 43.07.01 B (4); Code Md. Regs. tit. 10, § 43.07.02 A, B, C and D; Code Md. Regs. tit. 10, § 43.07.06 A, B, C, and D; Code Md. Regs. tit. 10, § 43.07.07; Code Md. Regs. tit. 10, § 43.07.09 A and B; and, Code Md. Regs. tit. 10, § 43.07.10.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 27th day of ~~August~~ ^{JULY}, 2006, by a majority of a quorum of the Board, *ms*

ORDERED that the Respondent's license to practice chiropractic is hereby placed on **PROBATION** for one (1) year, subject to the following conditions:

- A. That the Respondent take and successfully complete a record-keeping course approved by the Board;
- B. That, thereafter, the Respondent's records be subject to a peer review by a Board-pre-approved Evaluator on a quarterly basis.

with a report immediately following sent to the Board. The Respondent shall pay the Evaluator promptly after each review a fee to be set by the Board;

- C. That the Respondent pay a \$2500 fine to the Board;
- D. That the Respondent perform 50 hours of community service, pre-approved by the Board; and,
- E. The costs for the above be borne by the Respondent.

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

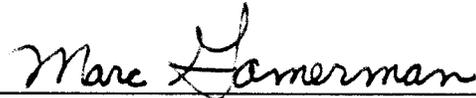
Should the Board receive information that the Respondent has substantially violated the Act or if the Respondent violates any conditions of this Order or of Probation, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the 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 the Order or of Probation shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice of chiropractic in Maryland; and be it further

ORDERED that, at the end of the Probationary period, the Respondent may petition the Board to be reinstated without any conditions or restrictions on his license, provided that he can demonstrate compliance with the conditions of this Order. Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary;



ORDERED that for purposes of public disclosure, as permitted by Md. State Govt. Code Ann. §10-617(h) (2004 Repl. Vol.), 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 that it is mandated to report to.



Marc M. Gamerman, D.C.
Board of Chiropractic Examiners



CONSENT OF NICHOLAS DEZES, D.C.

I, Nicholas Dezes, D.C., by affixing my signature hereto, acknowledge that:

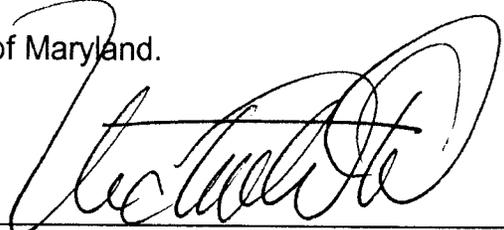
1. I am represented by an attorney, Marc K. Cohen, and have been advised by him of the legal implication of signing this Consent Order.

2. I am aware that without my consent, my license to practice chiropractic in this State cannot be limited except pursuant to the provisions of § 3-315 of the Act and the Administrative Procedure Act (APA) 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.

By this Consent Order, I neither admit nor deny the allegations and conclusions in this Consent but acknowledge that by entering into this Consent Order. I waive my right to a formal hearing as set forth in § 3-315 of the Act and §10-201, et seq., of the APA, and any right to appeal as set forth in § 3-316 of the Act and §10-201, et seq., of the APA. 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.

7/19/06
Date



Nicholas Dezes, D.C.

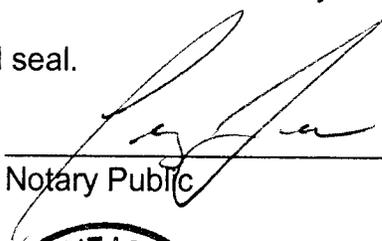


STATE OF MARYLAND

CITY/COUNTY OF CARROLL:

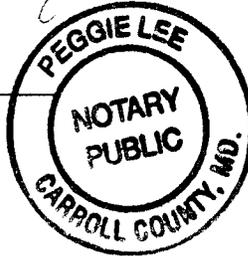
I HEREBY CERTIFY that on this 15th day of July, 2006, before me, _____, a Notary Public of the foregoing State and (City/County),
(Print Name)
personally appeared Nicholas Dezes, D.C., License No. S01510, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



Notary Public

My Commission Expires: 10.1.07



IN THE MATTER OF
NICHOLAS DEZES, D.C.

License No.: S01510

Respondent

* BEFORE THE STATE
* BOARD OF CHIROPRACTIC
* EXAMINERS
* Case Number: 04-04C

* * * * *

ORDER LIFTING/TERMINATING SUMMARY SUSPENSION

The Board of Chiropractic Examiners (the "Board"), having heard the arguments presented regarding lifting/terminating the Summary Suspension of the license to practice chiropractic in Maryland of Nicholas Dezes, D.C., the Respondent, License No. S01510, on this 17th day of June, 2004 **ORDERS** that the Summary Suspension be and is hereby **LIFTED/TERMINATED**, and that the Respondent be Reinstated to practice, subject to the following conditions:

1. The Respondent shall cease from supervising any Chiropractic Assistants (CAs) employed by him;
2. The Respondent shall submit to the Board, within one week of this Order, a list of all CAs employed by him, designating which office location they are working and the name of the chiropractor who supervises them;
3. The Respondent shall submit, ^{to the Board} to the Board on a weekly basis thereafter the progress/status of each of those CAs who are not registered, e.g., how far along in the coursework they are, general duties, until such time as all CAs are registered by the Board;
4. Within six months of the Order, the Respondent shall take, pass and document to the Board an ethics course pre-approved by the Board;

5. Within three months of the Order, the Respondent shall take and pass, with the requisite percentage, the jurisprudence examination administered by the Board;

6. The Respondent shall promptly notify the Board of any personnel changes involving CAs or chiropractors employed by him;

7. The Respondent's offices shall be subject to random inspections by the Board or its agent;

8. The Respondent shall obey all laws and regulations regarding the practice of chiropractic in the State of Maryland.

ORDERED that the Board is not precluded from bringing disciplinary charges under its Act, Md. Health Occ. Code Ann. § 3-101, et seq., (2000 Repl. Vol.), against the Respondent for conduct which formed the basis of the Summary Suspension; and be it further

ORDERED that this is a public order, pursuant to Md. State Govt. Code Ann. §10-617(h) (Repl. Vol. 1999).



Presiding Officer
Board of Chiropractic Examiners

IN THE MATTER OF
NICHOLAS DEZES, D.C.

License No.: S01510

Respondent

* BEFORE THE STATE
* BOARD OF CHIROPRACTIC
* EXAMINERS
* Case Number: 04-04C

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. §10-226 (c)(1999 Repl. Vol.), the State Board of Chiropractic Examiners (the "Board") hereby suspends the license to practice chiropractic in Maryland issued to Nicholas Dezes, D.C., (the "Respondent"), under the Maryland Chiropractic Act (the "Act"), Md. Health Occ. Code Ann. § 3-101, et seq., (2000 Repl. Vol.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

BACKGROUND

1. At all times relevant hereto, the Respondent was licensed to practice chiropractic in Maryland. The Respondent was first licensed on June 13, 1990. The Respondent's license expires on August 31, 2005.

2. The Respondent has offices at two sites: one in downtown Baltimore on Chase Street and the other in Fullerton, Baltimore County on Belair Road.

3. By document dated February 2, 2004, the Complainant/Ex-Employee A/Patient A¹ filed a complaint with the Board indicating that, *inter alia*, the Respondent

¹ Patient names are confidential but may be disclosed to the Respondent by contacting the Administrative Prosecutor.

employed unregistered Chiropractic Assistants (CA) at one of his offices, and, that all CAs were instructed to provide therapy to patients while a chiropractor was not present.

4. As a result of the receipt of said complaint, the Board began an investigation. On February 26, 2004, the Board's investigator went to the Respondent's Fullerton office and found that Jacqueline Pahl, who is not authorized as a chiropractic assistant by the Board, was performing physical therapy on patients. Ms. Pahl stated that she had been working for the Respondent for nine months and had been trained as a CA by Shaun Rutherford, who is a clerk and who is not a CA. The supervising chiropractor, Dr. A., advised that he was an employee of the Respondent and that he was not aware that Ms. Pahl was not authorized by the Board to perform physical therapy on his patients.

5. On March 4, 2004, the Investigator went to the Respondent's downtown Baltimore office and discovered that Tonya Wilson, who is not authorized by the Board to practice as a chiropractic assistant, was performing physical therapy on patients. Ms. Wilson stated that she had been working for the Respondent for four months and had also been trained as a CA by Kelly Rutherford, who is the office manager and who is not a CA.

6. The supervising chiropractor at that office was the Respondent, who stated that he thought that his office had sent in all notifications of employment of CAs the day after the Investigator had visited the Fullerton office.

7. The Investigator thereafter contacted Ex-Employee B, who stated that the Respondent had his assistants perform physical therapy on patients, whether or not a chiropractor was in the building and that this was done on numerous occasions.

8. The Respondent has previously been advised by the Board about using unauthorized assistants. Specifically, on February 4, 1994, the Board advised the Respondent in writing that his allowance of "unsupervised, unlicensed individuals to perform ultrasound treatments" must cease immediately; and, by a Letter of Education, dated December 12, 2002, the Board again directed the Respondent to immediately cease using as assistants those not authorized by the Board. In response, on December 19, 2002, the Respondent wrote to the Board indicating that he intended to comply with the Letter of Education and to immediately make application and notify the Board of all chiropractic assistant applicants working in his office.

FINDINGS OF FACT

1. As set forth above, allowing unauthorized individuals to perform physical therapy on patients, with or without the presence of a supervising chiropractor, is a threat to the public health, welfare or safety.

2. The above actions also constitute violations of the Act. Specifically, the Respondent violated the following provision § 3-313:

(a) 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, or suspend or revoke a license if the applicant or licensee:

- (8) Is unethical in the conduct of 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;
- (21) Commits an act of unprofessional conduct in the practice of chiropractic;

(28) Violates any provision of this title.

§ 3-404. Delegation of duties to assistant; qualifications for assistant.

A licensed chiropractor may delegate duties to an assistant to the extent permitted by the rules and regulations of the Board if the assigned duties do not require the professional skill and judgment of a licensed chiropractor. The rules and regulations shall also establish qualifications for the position of chiropractic assistant.

The Respondent further violated Code Md. Regs. tit. 10.43.07 (June 9, 2003):

.01 Definitions.

B. Terms Defined

(4) "Direct supervision" means supervision provided by a supervising chiropractor who is personally present and immediately available in the treatment area where the procedures are performed to give aid, direction, and instruction when certain procedures or activities are performed.

.02 Board Approval Required.

A. A supervising chiropractor shall apply for and receive approval from the Board before undertaking to train or supervise a new applicant or chiropractic assistant.

B. The Board shall provide an application form.

C. The approval of an application by the Board for the training and supervision of an applicant and chiropractic assistant are subject to compliance with guidelines in this chapter.

D. The supervising chiropractor shall pay an application fee of \$125 as set by the Board.

.06 Responsibilities of the Supervising Chiropractor.

A. The supervising chiropractor is responsible for the safe and competent performance of the assigned duties of the applicant and the chiropractic assistant.

B. If an applicant leaves the employment of a supervising chiropractor before the completion of training, the supervising chiropractor shall submit written notice to the Board documenting the training received and number of hours completed.

C. An applicant who has left the employment of one supervising chiropractor shall be permitted to transfer the hours of in-service training to a subsequent supervising chiropractor. Before the applicant begins in-service training in the subsequent supervising chiropractor's office, the subsequent supervising chiropractor shall obtain Board documentation of the applicant's completed training and hours of in-service training as outlined in Regulation .03 of this chapter.

D. Official records of an applicant's education and in-service training shall be maintained by the Board.

.07 Supervision Requirements.

A. The supervising chiropractor shall ensure that a chiropractic assistant or an applicant performs the authorized procedures or activities under the direct supervision of a licensed chiropractor.

B. The supervising chiropractor shall be licensed in chiropractic with the right to practice physical therapy as set forth in Health Occupations Article, §3-301(c), Annotated Code of Maryland.

C. The supervising chiropractor shall provide direct supervision to not more than:

(1) One applicant at a time for any of the procedures listed in Regulation .08 of this chapter; or

(2) Three chiropractic assistants at a time for any of the procedures listed in Regulation .08 of this chapter.

D. A chiropractic assistant and an applicant shall perform without direct supervision, when carrying out the following activities:

(1) Non-treatment-related activities, such as:

- (a) Clerical,
- (b) Housekeeping duties, and
- (c) Secretarial;

(2) Patient related activities that do not involve treatment, such as:

- (a) Removing and applying assistive and supportive devices,
- (b) Transporting patients,
- (c) Taking the height, weight, and vital signs of a patient, and
- (d) Undressing and dressing patients.

.09 Prohibited Acts. A chiropractic assistant and an applicant may not engage in the following activities:

A. Communicate an evaluation to a patient or other parties without the authorization of the licensed chiropractor;

B. Perform an act that requires the professional skill or judgment of a licensed chiropractor;

.10 Practicing Without Registration.

Except as otherwise provided in these regulations, a person may not practice, attempt to practice, or offer to practice as a chiropractic assistant in this State unless registered by the Board.

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Govt. Code Ann. §10-226(c) (2) (1999 Repl. Vol.).

ORDER

Based on the foregoing, it is therefore this 24th day of May, 2004, by a majority vote of a quorum of the State Board of Chiropractic Examiners, by authority granted by the Board by Md. St. Govt. Code Ann. § 10-226(c) (2) (1999 Repl. Vol., and 2003 Supp.), the license held by the Respondent to practice chiropractic in Maryland, License No S01510, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED, that upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be lifted/terminated, regarding the Respondent's fitness to practice chiropractic and the danger to the public; and be it further

ORDERED, that the Respondent shall immediately turn over to the Board his wall certificate and wallet-sized license to practice chiropractic issued by the Board; and be it further

ORDERED, that this document constitutes a final Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Govt. Code Ann. §10-617(h) (1999 Repl. Vol., and 2003 Supp.).



E. Brian Ashton, D.C., P.T., President
Board of Chiropractic Examiners

NOTICE OF HEARING

A Show Cause hearing to determine whether the Summary Suspension shall be lifted/terminated will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.