

IN THE MATTER OF
MARLENE MAHIPAT, D.C.

Respondent

License Number: S02029

* BEFORE THE STATE BOARD
* OF
* CHIROPRACTIC AND MASSAGE
* THERAPY EXAMINERS
* Case No. 11-26C

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Chiropractic and Massage Therapy Examiners (the "Board"), and subject to Md. Health Occ. Ann. § 3-101, et seq., (2009 Repl. Vol. and 2012 Supp.) (the "Act"), the Board charged **MARLENE MAHIPAT, D.C.**, (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of § 3-313 of the Act:

- (2) Fraudulently or deceptively uses a license;
- (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;
- (15) Pays or agrees to pay any sum to any person for bringing or referring a patient;
- (16) Overutilizes health care services;
- (19) Violates any rule or regulation adopted by the Board;
- (22) Grossly overutilizes health care services;
- (25) Submits false statements to collect fees for which services were not provided [;]

The Respondent was given notice of the issues underlying the Board's charges by letter dated November 26, 2012. Accordingly, a Case Resolution Conference was held on March 14, 2013, and was attended by Michael Fedorczyk, D.C., Board Member, and Grant Gerber, Counsel to the Board. Also in attendance were the Respondent and her attorneys,

Marc K. Cohen and Ian Friedman, and the Administrative Prosecutor, Roberta Gill.

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 to the charges herein, the Respondent was licensed to practice chiropractic in the State of Maryland. The Respondent was first licensed on May 22, 2002. The Respondent's license expires August 31, 2013.

2. At all times relevant hereto, the Respondent owned a chiropractic office in Randallstown, Maryland.

3. By document dated May 18, 2011, the Board received a complaint from an investigator with the Maryland Automobile Insurance Fund (MAIF) who reported that he had been informed that the Respondent had reported an attorney who had paid persons to refer clients to him. During the course of that investigation, it was determined that the Respondent paid an individual for bringing patients to her for treatment. As a result of the complaint, the Board began an investigation which disclosed the following:

A. An investigator with the Attorney Grievance Commission advised the MAIF investigator that he had been contacted by an attorney who was told by the Respondent that an individual, hereinafter, "Individual A", was paid by another attorney \$300 for each client that resulted in representation;

B. Individual A informed the MAIF investigator and the Attorney

Grievance Commission Investigator, that his girlfriend had told him that the Respondent would pay her \$250 for the first patient she brought her and \$100 each for each patient thereafter. Individual A further stated that his girlfriend was given business cards, as well as a list of five to ten attorneys by the Respondent;

C. Individual A stated that his only involvement was that, in exchange for referring an African family to the Respondent, he was paid \$600. He transported the family there;

D. When the Respondent was interviewed by the Board's Investigator, she claimed that Individual A received the money for marketing, which Individual A denied. He said he never did any marketing for the Respondent

4. As set forth above, the Respondent violated the Act.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 3-313 (15) of the Act.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 6th day of May, 2013, by a majority of a quorum of the Board,

ORDERED that the Respondent's license to practice chiropractic is hereby is **REPRIMANDED**; and be it further,

ORDERED that the Respondent be placed on **PROBATION** for Sixty (60) days, during which time the following conditions shall be met:

- A. The Respondent shall complete a Board-pre-approved ethics course;
- B. The Respondent shall complete a Board-pre-approved billing course;
or
- C. The Respondent shall complete a Board pre-approved course in ethics and billing;
- D. The Respondent shall document the completion of the above course(s) to the Board;
- E. The costs for complying with the Consent Order shall 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

ORDERED that, should the Board receive a report that the Respondent has 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 remove any conditions or restrictions on her license, provided that she 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 Gov't. Code Ann. §10-617(h) (Repl. Vol. 2009 and 2012 Supp.), 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.

Stephanie Chaney for / by direction
Stephanie Chaney, D.C., President
Board of Chiropractic and Massage
Therapy Examiners

CONSENT OF MARLENE MAHIPAT, D.C.

I, by affixing my signature hereto, acknowledge that:

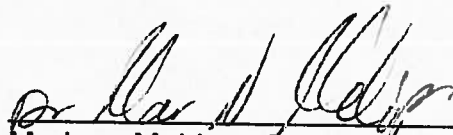
I, Marlene Mahipat, D.C., acknowledge that I am represented by counsel, Marc K. Cohen and Ian Friedman, and have consulted with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the 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, 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 forego 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 this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after 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.

4/25/13

Date




Marlene Mahipat, D.C.

STATE OF Maryland :

CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 25th day of April, 2013, before me, James Shaw, a Notary Public of the foregoing State and (City/County),
(Print Name)
personally appeared **Marlene Mahipat, License No. S02090**, 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.



Notary Public

My Commission Expires: 2/13/2016

**JAMES ABDUL JAMAAL SHAW
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
My Commission Expires 2/13/2016**