

IN THE MATTER OF
KRISTEN J. WEIGAND

* BEFORE THE
* MARYLAND STATE
* BOARD OF CHIROPRACTIC
* EXAMINERS

Applicant for Registration

* Case Number: 19-43C

* * * * *

**FINAL ORDER OF DENIAL OF APPLICATION FOR CHIROPRACTIC
ASSISTANT REGISTRATION**

On January 9, 2020, the Maryland State Board of Chiropractic Examiners (the “Board”) notified **KRISTEN J. WEIGAND** (the “Applicant”) of its intent to deny her *Chiropractic Applicant “Request to Employ” Application for CA Training Program* (the “Application”), dated August 16, 2019, under the Maryland Chiropractic Act (the “Act”), Md. Code Ann., Health Occ. §§ 3-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.) and Md. Code Regs. (“COMAR”) 10.43.01.01 *et seq.*

The Board notified the Applicant of its intent to deny her Application pursuant to the following provisions of the Act and COMAR, which provide:

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

Subject to the hearing provisions of § 3-315 of this subtitle, the Board may deny a license to any applicant . . . if the applicant . . . :

- (5) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside; [and]
- (19) Violates any rule or regulation adopted by the Board[.]

COMAR 10.43.07.05. Chiropractic Applicant or Assistant Qualifications and Training.

- A. At the time of application for hire and training, the applicant shall:
- (2) Be of good moral character[.]

COMAR 10.43.07.05. Penalties for Violations of this Chapter.

- C. A chiropractic assistant and an applicant for registration is subject to the Board's disciplinary authority under Health Occupations Article, § 3-313, Annotated Code of Maryland.

The Notice informed the Applicant that she had thirty (30) days to request a hearing. More than thirty (30) days have elapsed, and the Applicant failed to request a hearing. Therefore, this Final Order is executed.

FINDINGS OF FACT

The Board denies the Applicant's Application based on the following facts:

1. On or about August 16, 2019, the Applicant submitted her Application to the Board for registration as a chiropractic assistant in Maryland.
2. The Application required the Applicant to answer "YES" or "NO" to a series of questions.
3. The Applicant replied "YES" to Question 4, which asked, "Have you ever been arrested, charged with a crime, or pled guilty, *nolo contendere*, no contest, or been convicted or received probation before judgment for any criminal act, including DWI or DUI?"
4. The Applicant replied "YES" to Question 7, which asked, "Have you ever been an abuser of or dependent on alcohol, prescription medication or illegal controlled

substances?”

5. The Applicant submitted a Maryland Judiciary Case Search Report along with her Application that reported that she had entered guilty pleas to, and/or was convicted of, a series of criminal offenses, including the following:

- (a) CDS: Possession—Not Marijuana, CR § 5-601(a)(1)¹
Case Number: D-023-CR-17-000399
Jurisdiction: District Court for Wicomico County
Offense date: February 27, 2017
Guilty plea date: July 21, 2017
Disposition date: April 15, 2019²
Sentence: incarceration for six (6) days
- (b) CDS: Possession—Not Marijuana (cocaine), CR § 5-601(a)(1)
Case Number: D-023-CR-18-002681
Jurisdiction: District Court for Wicomico County
Offense date: November 14, 2018
Guilty plea date: April 15, 2019
Disposition date: April 15, 2019
Sentence: incarceration for six (6) months, suspended in its entirety;
Probation for Eighteen (18) months
- (c) Conspiracy--Malicious Destruction of Property³
Case Number: D-023-CR-19-000411
Jurisdiction: District Court for Wicomico County
Offense date: February 18, 2019
Guilty plea date: April 23, 2019
Disposition date: April 23, 2019
Sentence: incarceration for sixty (60) days, suspended in its entirety,
Probation for Eighteen (18) months, restitution of \$3000
- (d) Driving While Impaired by Alcohol, TA § 21-902(b)(1)

¹ The Applicant was also charged with possession of paraphernalia under CR § 5-619(c)(1), which was *nolle prossed*.

² The Maryland Judiciary Case Search document the Applicant provided states that the court found that she violated her probation on this date.

³ The Applicant was also charged with Theft: \$100 to under \$1500 (CR § 7-104), which was *nolle prossed*; and conspiracy to commit Theft: \$100 to \$1500, which was also *nolle prossed*.

Citation Number: 0000000PWODOR
Jurisdiction: District Court for Worcester County
Offense date: June 22, 2014
Guilty plea date: not indicated

6. The Applicant submitted a letter to the Board, dated August 13, 2019, in conjunction with her Application in which she addressed her alcohol/substance abuse history. The Applicant reported that at least since 2017, she recognized that she was an alcoholic and had undergone alcohol abuse treatment in the past. The Applicant stated that in 2018, she had a relapse, which resulted in the “attached criminal history.” The Applicant denied having substance abuse issues but did admit that she had recently pleaded guilty to two misdemeanor drug charges.

7. The Board initiated an investigation of the Applicant based on the affirmative responses/disclosures she provided in her Application. As part of its investigation, the Board requested the Applicant to provide further information regarding her criminal history.

8. In a letter to the Board dated September 4, 2019, the Applicant provided the responsive information. The Applicant disclosed that in June 2014, she was arrested for Driving While Under the Influence of Alcohol under Case Number 0000000PWODOR. She stated that in November 2014, she was granted probation before judgment, after which she successfully completed a one-year period of probation. The Applicant disclosed that in February 2017, she was subject to a traffic stop and was arrested under Case Number D-023-CR-17-000399. The Applicant stated police seized 0.06 grams of cocaine from her car and that in July 2017, she pleaded guilty to controlled dangerous

substance charges and was placed on probation for eighteen months. The Applicant disclosed that in the fall of 2018, she relapsed and “began drinking heavily.” The Applicant disclosed that on November 14, 2018, police executed a search warrant at her residence and recovered 0.01 grams of cocaine, after which she was charged with CDS: Possession-Not Marijuana, under Case Number D-023-CR-18-002681. The Applicant stated that this charge violated her probation from her previous case. The Applicant stated that she pleaded guilty to the charge of Violation of Probation and served six days of incarceration at the Wicomico County Detention Center. The Applicant disclosed that she pleaded guilty to the November 2018 controlled dangerous substance charge and was placed on probation for eighteen months. The Applicant disclosed that in February 2019, she was charged with conspiracy to commit malicious destruction of property under Case Number D-023-CR-19-000411. The Applicant stated that she pleaded guilty to this charge and was sentenced to an additional eighteen-month period of probation and was ordered to pay restitution in the amount of \$3000.

9. The Board’s investigation determined that from 2014 to 2019, the Applicant was arrested and/or was convicted of a series of criminal charges, as described above, and also had a significant history of abuse of alcohol and/or controlled dangerous substances.

10. The Applicant’s conduct, as set forth above, constitutes a lack of good moral character, in violation of COMAR 10.43.07.05A(2).

11. The Applicant’s conduct, as set forth above, constitutes being convicted of crimes involving moral turpitude, in violation of Health Occ. § 3-313(5).

12. The Applicant's conduct, as set forth above, constitutes a violation of a regulation of the Board, in violation of Health Occ. § 3-313(19). See COMAR 10.43.07.05A(2).

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes as a matter of law that the Applicant violated Health Occ. §§ 3-313(5) and (19), and COMAR 10.43.07.05A(2).

ORDER

Based on the above Findings of Fact and Conclusions of Law, it is hereby:

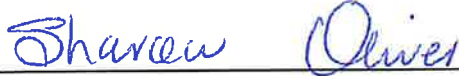
ORDERED that the Applicant's Application to practice as a chiropractic assistant, filed by Applicant, **KRISTEN WEINGARD**, is hereby **DENIED**; and it is further

ORDERED that this Final Order is public pursuant to Health Occ. § 1-607 (2014 Repl. Vol.) and Md. Code Ann., Gen. Provisions § 4-333(b)(6) (2014).

NOTICE OF RIGHT TO APPEAL

Pursuant to Health Occ. § 3-316(a) of the Health Occupations Article, any person aggrieved by a final decision of the Board under § 3-313 of this subtitle may not appeal to the Secretary but may take a direct judicial appeal as provided in the Administrative Procedure Act, Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 & 2019 Supp.).

03/12/2020
Date



Sharon J. Oliver, MBA
Executive Director
Maryland State Board of Chiropractic
Examiners