

IN THE MATTER OF
ROBERT LAWRENCE, D.C.

License No. 01095

Respondent

* BEFORE THE
* STATE BOARD OF
* CHIROPRACTIC EXAMINERS
* Case Number: 04-39C

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. § 10-226 (c)(1999 Repl. Vol. and 2004 Supp.), the State Board of Chiropractic Examiners (the "Board") hereby suspends the license to practice chiropractic in Maryland issued to Robert Lawrence, 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 August 27, 1975. The Respondent's license expires on August 31, 2005.
2. At all times relevant hereto, the Respondent practiced under the name of Overlea-Fullerton Chiropractic Center on Belair Road in Baltimore, Maryland.¹

¹ The Respondent also practices at his home-office called Contemporary Chiropractic, on Hickory Road in Belair, Maryland. When the Board Investigator, David Ford, served the subpoena for patient records on September 2, 2004, the Respondent appeared to be intoxicated and rambled.

3. On or about August 30 and 31, 2004, the Respondent was scheduled to see patients to render chiropractic treatment to them. Accordingly, Patient A² presented on August 30, 2004 for an initial visit to the Respondent. The Respondent was unshaven, dressed in a crumpled shirt and a dirty ball cap. Patient A waited for 45 minutes before the Respondent took her into his "office," where there was no place to sit down. The Respondent shuffled through Patient A's file, all the while repeatedly assuring her that she "had made a great decision" to come to him for care. The Respondent left the room and returned, again assuring Patient A of her selection. The Respondent asked Patient A how she had selected him, which Patient A explained. At that point, the smell of alcohol on the Respondent's breath, mixed with mouthwash, was too strong for Patient A to ignore. Accordingly, Patient A left the Respondent's office without being treated, after first securing the return of her check.

4. On or about August 30 or 31, 2004, Patient B presented to the Respondent for treatment. The Respondent called her into his office and told her to get on the table, face down, where he pushed on Patient B's back a couple of times. When Patient B sat up, the Respondent cracked her neck, which was when Patient B observed that the Respondent had been drinking. There was the smell of mouthwash on his breath; he was not steady on his feet; and, he had slurred speech. The Respondent kept repeating, "I can't find my pen." Patient B then left, mentioning to a staff member that the Respondent had been drinking, to which the staff member replied that she would have to get him some coffee.

² Patients' names are confidential, but may be disclosed to the Respondent by contacting the Administrative Prosecutor.

5. As a result of these complaints, the Executive Director of the Board, James Vallone, and the Board's Investigator, David Ford, went to the Respondent's office, where they found him to be erratic, unfocused and unable to put sentences together in a coherent fashion or to recall what had occurred earlier in the morning or the prior day.

6. Staff admitted that they had destroyed Patient A's file and that they had worked on patients without the presence of the Respondent, even though none was registered as a Chiropractic Assistant (CA).³

7. On September 2, 2004, Mr. Ford again visited the Respondent's office where he saw two patients self-administering hot and cold packs, as well as treatment on a roller-table. Neither the Respondent nor a registered CA was present.

8. Later, one of the Respondent's employees called the Chair of the Board's Rehabilitation (Rehab) Committee to report that the Respondent was "frequently drunk, blacked out and was erratic at work, and that he worked on patients in this condition."

9. In 2001, the Board had occasion to refer the Respondent to the Rehab Committee due to a complaint filed with the Board that the Respondent treated under the influence of alcohol and that his speech was slurred, his eyes were red and glassy, and he had a strong odor of alcohol on his breath." The patient acknowledged that this represented a significant change in appearance from prior occasions. The Respondent

³ Code Md. Regs. tit. 10, 43.07.08 (August 6, 2001) **Activities That May Be Performed by Chiropractic Assistants and Applicants Under Supervision.** A chiropractic assistant and an applicant may perform the following activities under direct supervision: A. Functional activities, such as activities of daily living; B. Gait practice and ambulation; C. Routine follow-up of specific exercise; D. Transfer; E. Contrast baths; F. Hot and cold packs; G. Hubbard tank; H. Infrared and ultraviolet irradiation; I. Muscle stimulation/electrotherapy; J. Paraffin baths; K. Traction therapy; L. Ultrasound; M. Whirlpool; and N. Diathermy.

was evaluated by a psychologist and agreed to random alcohol and substance abuse testing over a 12-month period.

FINDINGS OF FACT

1. As set forth above, a chiropractor who treats or attempts to treat a patient while under the influence of alcohol and who allows unregistered persons to handle physical therapy modalities is a danger to the public health, welfare or safety.

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

(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:

- (6) Provides professional services while:
 - (i) Under the influence of alcohol; [or]
- (9) Is professionally, physically, or mentally incompetent;
- (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 [;].

The Board further charges the Respondent with violation of its Code of Ethics, Code Md. Regs. tit. 10, 43.14 (January 9, 2000):

.03 Standards of Practice.

A. A chiropractor and chiropractic assistant shall concern themselves primarily with the welfare of the patient.

B. A chiropractor or chiropractic assistant who suffers from a physical, mental, or emotional impairment, including chemical abuse, which impacts the individual's

ability to practice chiropractic or provide chiropractic assistance shall seek professional treatment and refrain from the practice of chiropractic or the provision of chiropractic assistance until the impairment no longer exists or reasonable accommodations can be made.

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. and 2004 Supp.).

ORDER

Based on the foregoing, it is therefore this 4th day of OCT., 2004, by a majority vote of a quorum of the State Board of Chiropractic, by authority granted by the Board by Md. St. Govt. Code Ann. § 10-226(c) (2) (1999 Repl. Vol.), the license held by the Respondent to practice chiropractic in Maryland, License No. 01095, 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 thirty days 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.).



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.