

IN THE MATTER OF
REHMAN T. MIRZA, D.C.
RESPONDENT
LICENSE NUMBER: S02057

* BEFORE THE MARYLAND
* BOARD OF CHIROPRACTIC AND
* MASSAGE THERAPY EXAMINERS
* CASE NUMBER: 16-13C

* * * * *

FINAL CONSENT ORDER

The Maryland Board of Chiropractic Examiners (“the Board”) charged Rehman T. Mirza (“the Respondent”), license number: S02057 under the Maryland Chiropractic Act (the “Act”), Md. Health Occ. Code Ann. I (“H.O.”) §§ 3-101 *et seq.* (2014 Repl. Vol.). Specifically, the Board charged the Respondent with violating the following provisions:

**H. O. § 3- 313. Denials, reprimands, suspensions, and revocations-
Grounds.**

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:

(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;

(17) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted by a court of any state or country for an act that would be grounds for disciplinary action under this section;

(21) Commits an act of unprofessional conduct in the practice of chiropractic [.]

FINDINGS OF FACT

The Board finds that:

1. At all times relevant hereto, the Respondent was licensed to practice chiropractic in the State of Maryland. The Respondent was originally licensed to practice chiropractic in Maryland on or about May 19, 1987.
2. The Respondent's license expires on September 1, 2017.
3. In or around February 2016, the Board was informed that the Respondent had pled guilty to a federal charge of obstructing a criminal health care fraud investigation.
4. In March 2014, Special Agents for the Federal Bureau of Investigation (FBI) went to the Respondent's office located in Suitland, Maryland to serve the Respondent a subpoena.
5. The subpoena was part of a FBI investigation into allegations that the Respondent was defrauding the District of Columbia Medicaid program. When questioned by the FBI agents, the Respondent denied any involvement in any scheme to commit Medicaid fraud.
6. When the FBI agents spoke with the Respondent, the agents told the Respondent that they intended to speak with the Respondent's office assistant at a later time.
7. After the FBI agents left the Respondent's office, the Respondent offered to drive his assistant home. During the 45 minute car ride to take his assistant home, the Respondent told his twenty-two year old assistant what to say when the assistant was interviewed by FBI agents.

8. The Respondent encouraged the assistant not to be truthful. The Respondent wanted their statements to the FBI agents to match. The Respondent did not want his assistant to implicate him in the Medicaid Fraud scheme.

9. The investigation conducted by the FBI revealed that between November 2012 and June 2013, the Respondent and others carried out a scheme to defraud the District of Columbia Medicaid program.

10. During this period of time, hundreds of District of Columbia Medicaid patients were brought to the Respondent's practice by personal care aides for an examination by the Respondent. The personal care aids worked for various home care agencies licensed in the District of Columbia.

11. In exchange for signing hundreds of prescriptions or intakes and plans of care, the Respondent collected at least \$48,400 from the personal care aides. The plans of care created by the Respondent were then submitted by home care agencies in order to justify their claims to Medicaid.

12. The Respondent was not authorized to provide personal care services in the District of Columbia and he was not enrolled as a provider in the District of Columbia Medicaid program.

13. In May 14, 2015, the Respondent pled guilty in United States District Court for the District of Columbia to Obstruction of Criminal Health Care Investigations, in violation of 18 U.S.C. § 1539.

14. On February 19, 2016, the Respondent was sentenced to seven (7) months imprisonment followed by six (6) months home detention. The Respondent was also order to pay restitution in the amount of \$48,450.

15. On May 5, 2016, the Commonwealth of Virginia, Department of Health Professions suspended the Respondent's license to practice chiropractic in Virginia after learning of the Respondent's felony conviction for Obstruction of Criminal health Care Investigations in the United States District Court for the District of Columbia.

16. The Respondent's conduct as set forth above is a violation of H. O. § 3-313 (15), (17), and (21).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated H. O. § 3-313 (15), (17), and (21).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 13th day of July 2017, by a majority of the full authorized membership of the Board hereby:

ORDERED that the Respondent's license to practice chiropractic shall be **SUSPENDED** for a period of two (2) years commencing on November 1, 2016 and ending November 1, 2018; and it is further

ORDERED that following the period of suspension, the Respondent shall be placed on probation for a period of two (2) years; and it is further

ORDERED that following the said suspension, the Respondent shall be placed on **PROBATION** for a period of **two (2) YEARS**; and it is further

ORDERED that during the Respondent's probationary period, the Respondent shall take and pass the Ethic and Boundaries Examination course. Any credits earned

from this course shall not be used to satisfy CLE requirements for licensure; and it is further.

Ordered that the Respondent shall satisfy all continuing education requirements during the time of suspension; and it is further

ORDERED that Respondent shall at all times cooperate with the Board in the monitoring, supervision, and investigation of Respondent's compliance with the terms and conditions of this Consent Order; and it is further

ORDERED that Respondent's failure to fully cooperate with the Board shall be deemed a violation of the probationary terms and a violation of this Consent Order; and be it further,

ORDERED that the Respondent may petition the Board to modify any condition of his probation no earlier than one (1) year from the date of this Consent Order provided that the Respondent has been fully compliant with the conditions set forth in this Consent Order; and it is further

ORDERED that at the end of the Respondent's probationary period, the Respondent shall file a written petition to the Board for termination of the probationary status and the removal of any conditions or restrictions that resulted from this disciplinary action, provided that Respondent has fulfilled all the terms and conditions set forth herein, is not in violation of this Order, and there are no outstanding complaints against the Respondent; and it is further

ORDERED that if the Respondent fails to make any such petition, then the probationary period status shall continue indefinitely, subject to the conditions set forth in this Order; and it is further

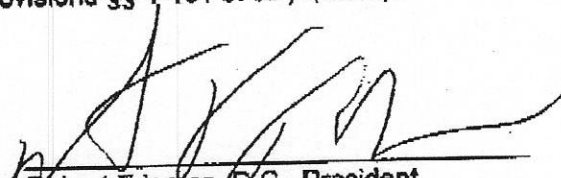
ORDERED that if the Respondent fails to comply with the terms and condition of this Order, the Respondent's license to practice chiropractic shall be revoked; and it is further

ORDERED that Respondent shall be responsible for all costs incurred under this Order; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the Board; and it is further

ORDERED that this document constitutes a formal disciplinary action of the State Board of Chiropractic and is therefore a public document for purposes of public disclosure, pursuant to Md. General Provisions §§ 4-101 et seq. (2014).

7/13/17
Date


Robert Frieman, D.C., President
Maryland Board of Chiropractic Examiners

CONSENT OF REHMAN MIRZA, D.C.

I, Rehman Mirza, D.C., by affixing my signature hereto, acknowledge that:

1. I understand that I have a right to be represented by an attorney, however, I have decided to represent myself.

2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. I Code Ann. §3-315 (Repl. Vol. 2014) and Md. State Govt. I Code Ann. §§ 10-201 *et seq.* (Repl. Vol. 20014).

3. I acknowledge the validity and enforceability of this Consent Order as if entered after 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 law. I am waiving those procedural and substantive protections.

4. I voluntarily enter into and consent to the foregoing findings of fact, conclusions of law, and order and agree to abide by the terms and conditions set forth in this Consent Order, as a resolution of the Board's case, based on the findings set forth herein.

5. I waive my right to contest the findings of fact and conclusions of law, and I waive my right to a full evidentiary hearing, and any right to appeal this Consent Order as set forth in Md. Health Occ. I Code Ann. § 3-316 (Rep. Vol. 2014) and Md. State Govt. I Code Ann. §§ 10-201 *et seq.* (Rep. Vol. 2014).

6. I acknowledge that by failing to abide by the terms and conditions set forth in this Consent Order, and, following proper procedures, I may be subject to disciplinary action.

7. I sign this consent order, without reservation, as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

06-05-17
Date

[Signature]
Rehman Mirza, D.C.

NOTARY

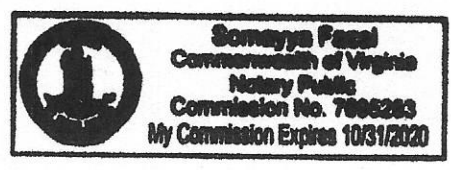
STATE OF Virginia
CITY/COUNTY OF Prince William

I hereby certify that on this 5 day of June, 2017, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared Rehman Mirza and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

[Signature]
Notary Public

My Commission Expires: 10/31/2020



JUN 7 2017