

IN THE MATTER OF  
FRANK E. TARQUINI, D.C.

Respondent

License Number: S01882

\* BEFORE THE MARYLAND STATE  
\* BOARD OF CHIROPRACTIC AND  
\* MASSAGE THERAPY EXAMINERS

\* Case Number: 12-11C

\* \* \* \* \*

**ORDER FOR SUMMARY SUSPENSION  
OF LICENSE TO PRACTICE CHIROPRACTIC**

The Maryland State Board of Chiropractic and Massage Therapy Examiners (the "Board") hereby **SUMMARILY SUSPENDS** the license of **FRANK E. TARQUINI, D.C.** (the "Respondent") (Date of Birth, 05/23/1971), License Number S01882, to practice chiropractic in the State of Maryland. The Board takes such action pursuant to its authority under Md. State Gov't Code Ann. ("S.G.") § 10-226(c)(2009 Repl. Vol.), concluding that the public health, safety or welfare imperatively requires emergency action.

**INVESTIGATIVE FINDINGS**

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:<sup>1</sup>

**GENERAL FINDINGS**

1. At all times relevant hereto, the Respondent was and is licensed to practice chiropractic in the State of Maryland. The Respondent was originally licensed

<sup>1</sup> The statements regarding the Board's investigative findings are intended to provide the Respondent with notice of the basis of the summary suspension. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

to practice chiropractic in the State of Maryland on March 18, 1998, under License Number S01882. The Respondent's license is due to expire on September 1, 2013.

2. At all times relevant hereto, the Respondent was employed by a temporary chiropractic employment agency ("Agency A")<sup>2</sup> to provide temporary chiropractic services in Maryland.

3. The Board initiated an investigation of the Respondent after receiving a complaint from an office supervisor (the "Office Supervisor") at a chiropractic practice (the "Chiropractic Practice") with multiple locations in Maryland alleging that on or about October 5, 2012, the Respondent, who was assigned to provide temporary chiropractic services at the Chiropractic Practice's Essex location, appeared there in a drunk manner and attempted to provide chiropractic services to a patient ("Patient A").

4. In furtherance of its investigation, the Board's investigator conducted a search of the Respondent's criminal history and interviewed witnesses and the Respondent.

5. Board investigation determined that on or about October 5, 2012, the Respondent provided professional services by appearing at the Chiropractic Practice's Essex location and attempted to treat Patient A while under the influence of alcohol.

6. Based on its investigative findings, the Board determined that public health, safety, or welfare imperative required that the Respondent's license to practice chiropractic be summarily suspended.

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<sup>2</sup> To ensure confidentiality, the names of individuals and facilities involved in this case are not disclosed in this document. The Respondent may obtain the names of all individuals and facilities referenced in this document by contacting the administrative prosecutor.

## **SPECIFIC FINDINGS**

7. On or about October 5, 2012, at approximately 9:30 a.m., a receptionist (the "Receptionist") at the Chiropractic Practice observed the Respondent stumbled up the steps to the office in a drunken manner. The Respondent stated to the Receptionist that he was assigned by Agency A to provide temporary chiropractic services to the Chiropractic Practice that day. The Respondent fell into the Receptionist when he attempted to hug her. Throughout their conversation, the Receptionist smelled vodka on the Respondent.

8. After observing the Respondent in a drunken state, the Receptionist immediately called the Office Supervisor, who advised the Receptionist to cancel the rest of the patients for the day.

9. In the meantime, the Respondent left the Chiropractic Practice for approximately ten to fifteen minutes. By the time the Respondent returned, Patient A had arrived for her scheduled appointment. Upon seeing the Receptionist, the Respondent told her that he found a bar and grill restaurant nearby. The Respondent further mentioned that he did not have a driver's license as a result of a drunk-driving incident at the end of February.

10. The Respondent attempted to treat Patient A but was unable to figure out how to operate the paper sheet dispenser on the treatment table, or how to operate the electrical stimulation machine. While with Patient A, the Respondent received a phone call from Agency A advising him not to treat any patient that day. After receiving the phone call, the Respondent stated to the Receptionist and Patient A, "one drink is about

to ruin my whole life, other people are sticking needles in their arms and all I had was a couple of beers."

11. Shortly thereafter, the Respondent walked out of the Chiropractic Practice in the direction of the nearby bar and grill restaurant. He returned approximately ten to fifteen minutes later with a clear cup filled with a clear liquid. The Receptionist and Patient A observed the Respondent sat down in the patient waiting area drinking the clear liquid. When the Respondent got up to go to the bathroom, Patient A was able to smell vodka on the Respondent.

12. The Respondent walked out of the Chiropractic Practice for a third time in the direction of the bar and grill restaurant and returned approximately ten to fifteen minutes later with another clear cup containing a clear liquid in his hand. The Respondent sat on the front porch of the office drinking the clear liquid until his mother and father arrived in a vehicle to pick him up. The Respondent gave the Receptionist another hug before he left.

13. In statements to the Board, the Receptionist stated that she felt threatened by the Respondent's behavior, and Patient A stayed with her to comfort her.

14. Board investigation confirmed that on or about January 24, 2012, the Respondent was charged with driving while impaired by alcohol, Md. Transportation Code Ann. § 21-901(b)(1) in Carroll County, Maryland. On May 25, 2012, the Respondent pled not guilty but was found guilty and received probation before judgment in the Maryland District Court for Carroll County.

15. On or about October 15, 2012, a Board investigator interviewed the Respondent regarding the complaint. During the interview, the Respondent admitted

that when he appeared for temporary work at the Chiropractic Practice on the morning of October 5, 2012, he still had alcohol in his system from consuming vodka the night before or early in the morning. The Respondent further admitted that after Agency A told him not to treat any patient, he walked to the nearby bar and grill restaurant and consumed two shots of alcoholic drinks.

### **BASIS FOR DISCIPLINARY CHARGES**

16. Based on the above investigative findings, the Board has a basis to charge the Respondent under the Maryland Chiropractic Act, Md. Health Occ. Code Ann. ("H.O.") §§ 3-101 *et seq.* Specifically, the Board has a basis to charge the Respondent with violating the following provisions of H.O. § 3-313:

- (6) Provide professional services while: (i) under the influence of alcohol;
- (20) Violates any rule or regulations adopted by the Board;
- (21) Commits an act of unprofessional conduct in the practice of chiropractic;  
and
- (27) Is physically or mentally impaired to the extent that it impairs the applicant's or licensee's ability to practice chiropractic safely.

The violation of rule or regulations adopted by the Board under H.O. § 3-313(20) includes violation of Code Md. Regs. tit. 10, § 43.14.03B, which states:

A chiropractor or chiropractic assistant who suffers from a physical, mental, or emotional impairment, including chemical abuse, that 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 practice of chiropractic assistance until the impairment no longer exists or reasonable accommodations can be made.

### CONCLUSIONS OF LAW

Based upon the foregoing Investigative Findings, the Board concludes as a matter of law that the public health, safety, or welfare imperatively requires emergency action, pursuant to Md. State Gov't. Code Ann. § 10-226(c)(2)(2009 Repl. Vol.).

### ORDER

It is this 24<sup>th</sup> day of October, 2012, by a majority of the Board considering this case:

**ORDERED** that pursuant to the authority vested in the Board by Md. State Gov't. Code Ann. § 10-226(c)(2), the Respondent's license to practice chiropractic in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and it is further

**ORDERED** that the Respondent must request a post-deprivation show cause hearing in writing **WITHIN THIRTY (30) DAYS** of service of this Order. The written request should be made to: James J. Vallone, J.D., Executive Director, Maryland State Board of Chiropractic and Massage Therapy Examiners, 4201 Patterson Avenue, Baltimore, Maryland 21215, with copies mailed to: K. F. Michael Kao, Assistant Attorney General, Health Occupations Prosecution and Litigation Division, Office of the Attorney General, 300 West Preston Street, Suite 201, Baltimore, Maryland 21201, and Grant Gerber, Assistant Attorney General, Office of the Attorney General, 300 West Preston Street, Suite 302, Baltimore, Maryland 21201, and it is further

**ORDERED** that if the Respondent fails to request a post-deprivation show cause hearing in writing, the Respondent's license will remain suspended; and it is further

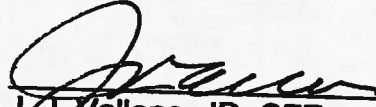
**ORDERED** that on presentation of this Order, the Respondent **SHALL SURRENDER** to the Board his original chiropractic license S01882, wallet card and wall

certificate; and it is further

**ORDERED** that this is a Final Order of the Board, and as such, is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. § 10-611 *et seq.* (2009 Repl. Vol.).

OCT 24 2012

Date

  
J. J. Vallone, JD, CFE  
Executive Director  
For Stephanie Chaney, D.C.  
President, by direction of the  
Maryland State Board of Chiropractic  
and Massage Therapy Examiners