IN THE MATTER OF	*	**BEFORE THE STATE**
MICHELLE WILLIAMS, D.C.	*	**BOARD OF**
Respondent	*	**CHIROPRACTIC EXAMINERS**
License Number: 02162	*	**CASE NUMBER: 04-09-C**

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FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Chiropractic Examiners (the "Board"), and subject to Md. Health Occ. Ann. § 3-101, et seq., (2000 Repl. Vol.) (the "Act"), the Board charged Michelle Williams, D.C., (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of § 3-313:

> 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:
>
> (9) Is professionally incompetent;
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> (12) Makes or files a false report or record in the practice of chiropractic;
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> (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;
>
> (21) Commits an act of unprofessional conduct in the practice of chiropractic;
>
> (25) Submits false statements to collect fees for which services were not provided;

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

Code of Ethics

.03 Standards of Practice.

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

C. A chiropractor and chiropractic assistant shall:

(9) Report to the Board, or other appropriate authority, conduct in the practice of chiropractic that indicates a violation of:

(a) This chapter,
(b) Health Occupations Article, Title 3, Annotated Code of Maryland, or
(c) Any other law, including but not limited to aiding or abetting the unauthorized practice of chiropractic.

The Board further charges the Respondent with violation of Code Md. Regs. tit. 10, § 43.07 (June 9, 2003):

Chiropractic Assistants Regulations

.02 Board Approval Required.

A. A supervising chiropractor shall apply for and receive approval from the Board before undertaking to train or supervise a new applicant or chiropractic assistant.

B. The Board shall provide an application form.

C. The approval of an application by the Board for the training and supervision of an applicant and chiropractic assistant are subject to compliance with guidelines in this chapter.

.03 Qualifications and Training.

A. To qualify for registration, an applicant shall be an individual who meets the requirement of this regulation and the examination requirement of this regulation.

B. An applicant shall:

(1) Be of good moral character and 18 years old or older;

(2) Have proof of completion of high school or attainment of equivalent education, which shall be submitted to the Board; and

(3) Receive, within 1 year, minimum training consisting of successfully passing the Board Chiropractic Assistant Examination and those activities and treatments under the regulations of this chapter, which include:

(a) 6 months in-service training of not less than 20 hours per week, under the supervising chiropractor in direct patient care or treatment of which the first 80 hours shall be observation of the procedures listed in Regulation .08 of this chapter; and
(b) 100 classroom hours that include:

(i) 24 classroom hours in anatomy and terminology, and
(ii) 76 classroom hours in physical therapy modalities indications and contraindications.

C. The Board shall approve the course content, instructors, and the appropriate reference materials to be used in conjunction with the training program under this regulation.

D. The Board may extend the time for completing the required classroom hours of training under this regulation in case of hardship for an additional 1-year period.

E. The Board may waive the qualification required for registration under §B (2) and (3) (a) of this regulation for an individual who presents to the Board satisfactory evidence that the applicant has received the minimum in-service training requirement under this regulation on the effective date of this regulation.

F. The supervising chiropractor shall submit the in-service training hours on a form provided by the Board within 30 days of completion of training or transfer of the applicant to another supervising chiropractor.

.04 Examinations.

A. An applicant who otherwise qualifies for registration is entitled to be examined as provided in this regulation.

B. The applicant shall pass an examination approved by the Board.

C. The applicant shall pay to the Board an examination fee as set forth in COMAR 10.43.06.

D. The Board shall:

(1) Give examinations to applicants twice a year, at the times and places that the Board determines;

(2) Notify each qualified applicant of the time and place of examinations; and

(3) Determine the subject scope, form, and passing score for examination.

E. Reexaminations.

(1) If the applicant fails the examination twice, the applicant may retake the examination only if the applicant:

(a) Pays the reexamination fee; and
(b) Completes additional classroom training courses as approved by the Board in areas of deficiency.

(2) An applicant who fails the examination twice may not perform in-service training duties in direct patient care or treatment under Regulation .03 of this chapter.

The Board further charges the Respondent with violation of Code Md. Regs. tit. 10, § 43.15 (February 23, 1998):

Record Keeping Regulations

.03 Record Keeping.

A. The chiropractor shall maintain accurate, detailed, legible, and organized records, documenting all data collected pertaining to the patient's health status.

The Respondent was given notice of the Board's charges by letter dated October 20, 2005. Accordingly, a Case Resolution Conference was held on February 9, 2006, and was attended by, E. Brian Ashton, P.T., D.C., Board member, and Grant Gerber, Counsel to the Board. Also in attendance were the Respondent and her attorney, Paul Weber, and the Administrative Prosecutor, Roberta Gill.

Following the Case Resolution Conference, the parties agreed to a joint proposal which the Board subsequently modified, adding another penalty. Ultimately, the Respondent, with reluctance, the Administrative Prosecutor and the Board agreed to the following:

FINDINGS OF FACT

1. At all times relevant herein, the Respondent was licensed as a Chiropractor in Maryland. The Respondent was first licensed by the Board on March 13, 2003. The Respondent's license expires on September 1, 2007.

2. At all times relevant hereto, the Respondent practiced at Metro Medical and Rehab Center, and Lake Forest Therapeutic and Rehab Center, which had offices in Adelphi and Gaithersburg, in Prince George's and in Montgomery Counties, respectively. Metro and Lake Forest are owned by Dr. A, M.D.[1]

3. At all times relevant hereto, the Respondent did not have a supervisor's license, nor did any of the workers at the centers have a Chiropractic Assistant (CA) registration issued by the Board.

4. By document dated February 17, 2004 and received by the Board on February 23, 2004, the Board received a complaint from Maryland Automobile Insurance Fund (MAIF) regarding the Respondent.

5. Based upon the complaint, the Board conducted an investigation where it obtained patient records, statements, and interviewed various people. The Board's investigation disclosed the following:

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1 Inasmuch as no public order exists on this physician at the time of this Order, his name will remain confidential, but the Respondent is aware of his identity.

A. The Respondent treated Patient A[2] from July 10 to September 16, 2003 at the Adelphi office. The Respondent admitted that when she was busy, she would have her receptionist, Ms. Campos, put the electrical stimulation pads on Patient A for about half of his treatments. Ms. Campos also placed hot packs on Patient A, who was billed for heat therapy. The Respondent further admitted that Ms. Campos directed Patient A to a massage table where he received a mechanical massage approximately 16 times;

B. The Respondent treated Patient B at the clinic in Lake Forest from August 4 to September 23, 2003. The physical therapy received by Patient B was performed by her and Mr. Okonji. Mr. Okonji performed electrical stimulation, heat and mechanical traction therapy, providing approximately a quarter of Patient B's physical therapy;

C. The Respondent treated Patient C from July 24 to September 29, 2003. Ms. Campos would place the electrical stimulation pads on Patient C when she came in for treatment. Patient C was billed for one-on-one massage therapy when she, in fact, received mechanical massage;

D. The Respondent acknowledged that she suspected that both Ms. Campos and Mr. Okonji were not authorized to practice as CAs in Maryland, yet continued to use them pursuant to the instructions of Dr. A, her employer, and did not report them to the Board, as required.

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2 Patients' names are confidential.

A. The Respondent treated Patient A[2] from July 10 to September 16, 2003 at the Adelphi office. The Respondent admitted that when she was busy, she would have her receptionist, Ms. Campos, put the electrical stimulation pads on Patient A for about half of his treatments. Ms. Campos also placed hot packs on Patient A, who was billed for heat therapy. The Respondent further admitted that Ms. Campos directed Patient A to a massage table where he received a mechanical massage approximately 16 times;

B. The Respondent treated Patient B at the clinic in Lake Forest from August 4 to September 23, 2003. The physical therapy received by Patient B was performed by her and Mr. Okonji. Mr. Okonji performed electrical stimulation, heat and mechanical traction therapy, providing approximately a quarter of Patient B's physical therapy;

C. The Respondent treated Patient C from July 24 to September 29, 2003. Ms. Campos would place the electrical stimulation pads on Patient C when she came in for treatment. Patient C was billed for one-on-one massage therapy when she, in fact, received mechanical massage;

D. The Respondent acknowledged that she suspected that both Ms. Campos and Mr. Okonji were not authorized to practice as CAs in Maryland, yet continued to use them pursuant to the instructions of Dr. A, her employer, and did not report them to the Board, as required.

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2 Patients' names are confidential.

6. As set forth above, by assisting in the unlicensed/unauthorized practice of chiropractic in Maryland, and by signing off on treatment not provided by the Respondent directly, the Respondent violated the Act and regulations thereunder.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 3-313 (9) & (12) (18), (19), (21) and (25); Code Md. Regs. tit. 10, § 43.14.03 A and C (9) (a), (b) and (c); Code Md. Regs. tit. 10, § 43.07.02 A B and C; Code Md. Regs. tit. 10, § 43.07.03 A, B (1), (2) and (3) (a) (b) (i) and (ii), C, D, E, F; Code Md. Regs. tit. 10, § 43.07.04 A, B, C, D (1), (2), (3), E (1) (a) (b) and (2); and Code Md. Regs. tit. 10, § 43.15.03 A.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 12th day of June, 2006, by a majority of a quorum of the Board,

ORDERED that the Respondent's license to practice chiropractic is hereby **REPRIMANDED** and that the Respondent shall be placed on **PROBATION** for one (1) year, subject to the following conditions:

A. The Respondent shall take and pass a Board-pre-approved ethics course;

B. The Respondent shall be subject to quarterly practice reviews by a Board-appointed mentor who shall submit reports to the Board immediately after each review. The Respondent shall promptly pay for said reviews and reports.

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 further

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 be reinstated without any conditions or restrictions on her license, provided that she has complied with the conditions of this Order. Should the Respondent fail to comply, 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 Govt. Code Ann. §10-617(h) (Repl. Vol. 2004), 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.

JUN 12 2008

Date

Marc Gamerman

Marc M. Gamerman, D.C., President
State Board of Chiropractic Examiners

CONSENT OF MICHELLE WILLIAMS, D.C.

I, Michelle Williams, by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Paul Weber, and have been advised by him of the legal implication of signing this Consent Order.

2. I am aware that without my consent, my license to practice chiropractic in this State cannot be limited except pursuant to the provisions of § 3-313 of the Act and the Administrative Procedure Act (APA) Md. State Govt. Code Ann. §10-201, et seq., (2004 Repl. Vol.).

3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in § 3-315 of the Act and §10-201, et seq., of the APA, and any right to appeal as set forth in § 3-316 of the Act and §10-201, et seq., of the APA. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice chiropractic in the State of Maryland.

05/24/06
Date

Dr MWm
Michelle Williams, D.C.

STATE OF MARYLAND

CITY/COUNTY OF Prince's George :

I HEREBY CERTIFY that on this 24th day of May, 2006, before me, MICHELLE WILLIAMS (Print Name), a Notary Public of the foregoing State and (City/County), personally appeared Michelle Williams, License No. 02162, 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

DANY W. AMAYA
Notary Public, Montgomery Co., MD
My Commission Expires April 30, 2007

My Commission Expires: _____