

IN THE MATTER OF
WAYNE HARRIS, D.C.
License No. 01506(Inactive)
Respondent

BEFORE THE
MARYLAND STATE BOARD OF
CHIROPRACTIC EXAMINERS
BOARD FILE NO. 01-04

* * * * *

FINAL CONSENT ORDER

The State of Maryland Board of Chiropractic Examiners (the "Board"), on June 1, 2001, issued Charges against Wayne Harris, D.C. (the "Respondent") under the Maryland Chiropractic Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §§3-301 *et seq.*

Specifically the Board charged the Respondent with violating the following provisions of §3-313 of the Act:

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:

- (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; [or]
- (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[.]

The Respondent received notice of Charges and the issues underlying those Charges by certified mail June 4, 2001. On August 2, 2001, the Board held a case Resolution

Conference ("CRC") at which time the parties submitted a Memorandum outlining the particulars of a proposed Consent Order. The Respondent, through his Counsel Nicholas Balland, Esquire, indicated that he did not dispute the allegations contained in the Charging Document.

FINDINGS OF FACT

1. At all times relevant, the Respondent was and currently is licensed to practice chiropractic in the State of Maryland, being issued License Number 01506 by the Board on June 29, 1990. The Respondent's License to practice chiropractic in the State of Maryland has been inactive since 1999.

2. At all times relevant, the respondent was licensed to practice chiropractic in the Commonwealth of Virginia.

3. On January 6, 2000, the Respondent pled guilty to one count of mail fraud, a felony, in violation of 18 U.S.C. § 1341, in the U.S. District Court for the Eastern District of Virginia.

4. On March 31, 2000, the Respondent was sentenced, in United States District Court, to six months imprisonment, three years of supervised probation upon release from imprisonment, a fine of \$3,000.00, and a special assessment of \$1000.00.

5. On April 4, 2000, the Virginia Department of Health Professions suspended the Respondent's license to practice chiropractic in the Commonwealth of Virginia.

6. The Respondent's plea of guilty to one count of mail fraud, a felony, constituted a crime involving moral turpitude.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds as a matter of law that

Respondent violated H.O. § 3-313(5) having pled guilty to a felony and a crime involving moral turpitude; and (17) having been disciplined by a licensing authority of another state.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, this 11th day of October, 2001 by a majority of a quorum of the Board:

AGREED that, effective December 15, 1999, the Respondent's license to practice chiropractic be **REVOKED**; and be it further

ORDERED that upon successful completion of the following conditions, the Respondent may petition the Board for reinstatement of his license to practice chiropractic:

1. Take and pass with a score of 75% or better the SPEC examination administered by the National Board of Chiropractic Examiners;
2. Take and pass the Board examination on Maryland law and regulations;
3. Complete a minimum of twelve (12) hours of a Board approved course in ethics, which would be in addition to the continuing education credits necessary for license renewal;
4. Perform one hundred (100) hours of community service with an agency pre-approved by the Board; and be it further

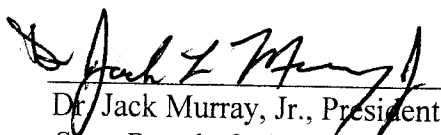
ORDERED that should the Board agree to reinstate the Respondent's license to practice chiropractic, the Board may impose a period of probation for a length of time and with terms that the Board considers appropriate; and be it further

ORDERED that Respondent shall be responsible for all costs in fulfilling the terms and conditions incurred under this consent order; and be it further

ORDERED that this is a Final Consent Order of the Board of Chiropractic Examiners

and as such is a PUBLIC DOCUMENT pursuant to St. Gov't Article ("S.G."), Md. Code Ann., §10-611 et seq.

10/11/01
Date


Dr. Jack Murray, Jr., President
State Board of Chiropractic Examiners

CONSENT OF WAYNE HARRIS, D.C.

I, Wayne Harris, D.C., by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Nicholas Balland, Esquire, 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 S.G §10-201 et seq of the Administrative Procedure Act.

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

By this Consent Order, I hereby acknowledge that the Board has sufficient evidence to find that I have committed the above violations of the Act. 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 on §3-316 of the Act and § 10-201 et seq of the APA.

I sign this Consent Order after having an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this

Consent Order.

11/05/01

Date

Wayne Harris

Wayne Harris, D.C.

Respondent

Reviewed by:

Nicholas Balland

Nicholas Balland, Esquire

Respondent's Counsel