

IN THE MATTER OF	*	BEFORE THE BOARD OF
JAMES KILCHENSTEIN	*	CHIROPRACTIC AND MASSAGE
LICENSE No: S01899	*	THERAPY EXAMINERS
Respondent	*	CASE No.: 11-26C

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. ("S.G.") §10-226 (c) (2009 Repl. Vol.) and the Maryland Chiropractic Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") § 3-5A-01 *et seq.* (2009 Repl. Vol.) the State Board of Pharmacy (the "Board") hereby summarily suspends the license of **JAMES KILCHENSTEIN, LICENSE NUMBER S01899, (the "Respondent") (D.O.B. 03/30/1962)**, to practice chiropractic under the Act. This Order is based on the following investigative findings, which the Board has reason to believe are true:¹

FINDINGS OF FACT

1. The Respondent is licensed to practice chiropractic in the State of Maryland under License Number S01899. The Respondent was first licensed on September 23, 1998. The Respondent's license is current and is scheduled to expire on September 1, 2013.
2. On or about September 14, 2012, the Board received a complaint alleging that the Respondent had been recently convicted of a felony.
3. Thereafter the Board initiated an investigation.

¹ The statements regarding the Respondent's conduct are only intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a completed description of the evidence, either documentary or testimonial, to be offered against the Respondent in this matter.

4. The Board's investigation revealed that on or about September 5, 2012, in the Circuit Court for Baltimore County, the Respondent pled guilty to assault, second degree and sex offense, fourth degree.

5. The Respondent was sentenced to 10 years in prison on the assault conviction and one year in prison on the sex offense. The Respondent's sentence was suspended on both counts, and he was placed on five years of probation. In addition, he was ordered to register as a sex offender, have no contact with the victim, have no unsupervised contact with minors and complete sexual offender training.

6. The conviction resulted from allegations that the Respondent fondled the breasts and buttocks of a 15 year-old female ("the victim"). The victim is the daughter of the Respondent's friend and has a diagnosis of Asperger's syndrome. According to the victim, the Respondent fondled her on more than 10 occasions.

7. The Respondent's history of the exploitation of a vulnerable individual bears a direct relationship to his fitness to practice chiropractic and constitutes an unreasonable risk to the safety and welfare of his chiropractic patients.

CONCLUSIONS OF LAW

Accordingly, the Board concludes that the public health, safety or welfare imperatively requires emergency action in this case, pursuant to Md. State Gov't Code Ann. § 10-226(c)(2)(i) (2009 Repl. Vol.).

ORDER

Based on the foregoing, it is this 22nd day of October 2012, by a majority vote of a quorum of the Board, hereby:

ORDERED that pursuant to the authority vested by Md. State Gov't Code Ann., § 10-226(c)(2) License No. S01899, the Respondent's license to practice chiropractic in Maryland, is hereby **SUMMARILY SUSPENDED WITH ALL LICENSE DOCUMENTS IMMEDIATELY SURRENDERED TO THE BOARD**; and be it further

ORDERED that the Respondent must request a post-deprivation show cause hearing in writing **WITHIN THIRTY (30) DAYS** of his receipt of this notice. The written request should be made to: James J. Vallone, J.D., Executive Director, Maryland Board of Chiropractic & Massage Therapy Examiners, 4201 Patterson Avenue, Baltimore, Maryland 21215 with copies mailed to: Tracee Orlove Fruman, Assistant Attorney General, Office of the Attorney General, 300 West Preston Street, Suite 207, Baltimore, Maryland 21201, and Grant Gerber, Assistant Attorney General, Office of the Attorney General, 300 West Preston Street, Suite 302, Baltimore, Maryland 21201; and be it further

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

ORDERED that the Respondent shall immediately turn over to the Board his license to practice chiropractic issued by the Board; and be it further

ORDERED that this document constitutes an Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Gov't Code Ann. § 10-617(h) (2009 Repl. Vol.).


J. J. Vallone, JD, CFE, Exec. Director for
Stephanie Chaney, D.C., President
By direction of the Maryland Board of Chiropractic &
Massage Therapy Examiners