

<p><b>IN THE MATTER OF</b></p> <p><b>MARCIA B. LEVI, D.C.</b></p> <p style="padding-left: 40px;"><b>Respondent</b></p> <p><b>License No.: S02192</b></p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p><b>BEFORE THE MARYLAND</b></p> <p><b>STATE BOARD OF</b></p> <p><b>CHIROPRACTIC EXAMINERS</b></p> <p><b>Case Nos.: 20-07C, 20-10C &amp; 20-16C</b></p>
<p>* * * * *</p>		

**CHARGES UNDER THE MARYLAND CHIROPRACTIC ACT**

The Maryland State Board of Chiropractic Examiners (the "Board") hereby charges **MARCIA B. LEVI, D.C.** (the "Respondent"), License Number S02192, under the Maryland Chiropractic Act (the "Act"), codified at Md. Code Ann., Health Occ. ("Health Occ.") §§ 3-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.).

Specifically, the Board charges the Respondent with violating the following provisions of the Act and COMAR 10.43 *et seq.*:

**Health Occ. § 3-313. Denials, reprimands, suspensions, and revocations.**

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:

- (19) Violates any rule or regulation adopted by the Board; [and]
- (21) Commits an act of unprofessional conduct in the practice of chiropractic.

**COMAR 10.43.13.03 - Standards of Practice.**

- C. A chiropractor and chiropractic assistant shall:
  - (8) Cooperate with any lawful investigation conducted by the Board, including:

- (a) Furnishing information requested in a timely manner as directed by the Board;
- (b) Complying with a subpoena; [and]
- (d) Providing meaningful and timely access to relevant patient records[.]

**COMAR 10.43.13.04 - Relationship with Patient.**

A. A chiropractor shall:

- (4) Maintain a written record of treatment of the patient under the chiropractor's care for at least:
  - (a) 5 years after the termination of treatment; and
  - (b) 5 years after the patient becomes 18 years old, if applicable.
- (5) Make the written records of treatment available to the patient upon request, in compliance with applicable laws for disclosure of medical records[.]

**COMAR 10.43.14.03 - Record Keeping.**

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

E. Maintenance and Release of Patient Records.

- (2) The chiropractor shall release patient records when release is:
  - (a) Authorized by the patient in writing; or
  - (b) Compelled by law.

## ALLEGATIONS OF FACT<sup>1</sup>

The Board bases its charges on the following facts that it has reason to believe are true:

### **I. BACKGROUND**

1. At all times relevant to these charges, the Respondent was and is licensed to practice chiropractic in the State of Maryland. The Respondent was originally licensed to practice chiropractic in Maryland on November 13, 2002, under License Number S02192. The Respondent's license is current until September 1, 2021.

2. At all times relevant to these charges, the Respondent maintained an office for the practice of chiropractic located in Laurel, Maryland.

### **II. COMPLAINTS**

3. On or about April 2, 2020, the Board received a complaint from a patient ("Patient A")<sup>2</sup> alleging that the Respondent failed to provide Patient A with her chiropractic record and her family member's chiropractic record in a timely manner. Furthermore, when the Respondent did provide Patient A with her and her family member's chiropractic records, they were insufficient and lacked the necessary details of their treatments. After receiving the complaint, the Board initiated an investigation of the Respondent under Board Case Number 20-07C.

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<sup>1</sup> The allegations set forth in these charges are intended to provide the Respondent with reasonable notice of the asserted facts. 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 these charges.

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

4. On or about May 17, 2020, the Board received a second complaint from a patient (“Patient B”) alleging that in 2018 Patient B and two of his family members received chiropractic treatments from the Respondent. When the treatments concluded, Patient B attempted to obtain his and his family members chiropractic records from the Respondent without success. After receiving the second complaint, the Board initiated a second investigation of the Respondent under Board Case Number 20-10C.

5. On or about May 17, 2020, the Board received a third complaint from a patient (“Patient C”) alleging that she began receiving chiropractic treatment from the Respondent after an automobile accident on or about December 18, 2019, which concluded on or about March 11, 2020. At the conclusion of the treatment, Patient C and her attorney requested Patient C’s chiropractic billing and treatment records from the Respondent. Patient C stated that on or about April 17, 2020, the Respondent sent Patient C itemized bills by facsimile and promised to provide her with her treatment record once it was completed. Patient C stated that she and her attorney continued to attempt to obtain her treatment record from the Respondent without success. After receiving the third complaint, the Board initiated a third investigation of the Respondent under Board Case Number 20-16C.

## **II. INVESTIGATION**

### **Case Number: 20-07C**

6. On or about April 7, 2020, a Board investigator spoke to the Respondent by telephone and inquired about Patient A’s complaint. The following day, on or about April 8, 2020, the Respondent sent an e-mail to the Board investigator stating that she

was having technical difficulties completing Patient A's chiropractic record and that she would provide Patient A with her chiropractic record as soon as it is complete.

7. Between April 8 and 17, 2020, the Board investigator followed up with the Respondent regarding Patient A's chiropractic record, and the Respondent continued to promise to provide it to Patient A as soon as it was complete. The Board investigator never received confirmation from the Respondent that she provided Patient A with her chiropractic record.

8. On or about April 21, 2020, the Board investigator mailed by certified mail and hand-delivered a Board issued subpoena to the Respondent for the chiropractic records of Patient A and her family member. The subpoena directed that the Respondent provide to the Board Patient A's and her family member's chiropractic records within five days of her receipt of the subpoena.

9. The Respondent failed to provide the Board with Patient A's and her family member's chiropractic records with five days of her receipt of the subpoena.

10. On or about April 29, 2020, the Respondent emailed the Board investigator various documents relating to the chiropractic treatments she provided to Patient A and her family member. The records, however, were grossly inadequate as a majority of treatment notes for Patient A and her family member were missing.

11. Between May 20 and July 6, 2020, the Board investigator attempted to ascertain whether the records the Respondent provided on April 29, 2020, were the complete records for Patient A and her family member by having the Respondent sign a

written certification that they were the complete chiropractic records. The Respondent continued to promise to sign the written certification but never did.

**Case Number: 20-10C**

12. On or about May 19, 2020, the Board investigator sent the Respondent by certified and First-Class Mail a Board issued subpoena for the chiropractic records of Patient B and two of his family members to the Respondent's address of record with the Board. The Board subpoena directed that the Respondent provide the records to the Board with five days from her receipt of the subpoena.

13. The Respondent failed to provide the Board with Patient B's and two of his family members' chiropractic records within five days of her receipt of the subpoena.

14. On or about July 2, 2020, the Board investigator spoke to the Respondent by telephone during which the Respondent promised to provide the Board with Patient B's and her two family members' chiropractic records by July 6, 2020.

15. As of the date of the issuance of these charges, the Board has not received Patient B's or her two family members' chiropractic records from the Respondent.

**Case Number: 20-16C**

16. On or about July 16, 2020, the Board investigator sent by certified and First-Class Mail a Board issued subpoena for Patient C's chiropractic record to the Respondent's address of record. The subpoena directed that the Respondent provide the Board with Patient C's chiropractic record within five days of her receipt of the subpoena.

17. The Board investigator discovered through the United States Postal Service tracking system that the subpoena was delivered to the Respondent's address of record on July 20, 2020.

18. The Respondent failed to provide the Board with Patient C's chiropractic record within five days of her receipt of the subpoena or any time thereafter.

### **GROUND FOR DISCIPLINE**

19. The Respondent's actions or lack thereof, as described above, constitute: violating any rule or regulation adopted by the Board, *i.e.* COMAR 10.43.13.03C(8)(a), (b) and/or (d), and/or COMAR 10.43.13.04A(4)(a) and/or (b), and/or COMAR 10.43.13.04A(5) and/or COMAR 10.43.14.03A and/or E(2)(a) and/or (b), in violation of Health Occ. § 3-313(19); and committing an act of unprofessional conduct in the practice of chiropractic, in violation of Health Occ. § 3-313(21).

### **NOTICE OF POSSIBLE SANCTIONS**

If, after a hearing, the Board finds that there are grounds for action under Health Occ. §§ 3-313(19) and/or (21) and/or COMAR 10.43.13.03C(8)(a), (b) and/or (d), and/or COMAR 10.43.13.04A(4)(a) and/or (b), and/or COMAR 10.43.13.04A(5) and/or COMAR 10.43.14.03A and/or E(2)(a) and/or (b), the Board may impose disciplinary sanctions in accordance with the Board's regulations under Md. Code Regs. 10.43.15.05 and 06, including reprimanding the Respondent, placing the Respondent on probation with or without conditions, or suspending or revoking the Respondent's license, and/or may impose a monetary penalty.

**NOTICE OF CASE RESOLUTION CONFERENCE**

A Case Resolution Conference in this matter has been scheduled for **THURSDAY, MARCH 11, 2021, at 11:30 A.M.**, at the Board's offices, 4201 Patterson Avenue, Baltimore, Maryland 21215.<sup>3</sup>

The nature and purpose of the CRC is described in the attached letter to the Respondent. If this case is not resolved at the CRC, an evidentiary hearing will be scheduled.

1/14/2021  
Date

Sharon Oliver  
Sharon J. Oliver  
Executive Director  
Maryland State Board of  
Chiropractic Examiners

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<sup>3</sup> During the pandemic, the Board may conduct the Case Resolution Conference via videoconference.