

IN THE MATTER OF

LEON YOUNG, D.C.

Respondent

LICENSE NO. S01643

*

BEFORE THE

*

MARYLAND BOARD OF

*

CHIROPRACTIC AND

*

MASSAGE THERAPY EXAMINERS

*

CASE NO. 11-30C

* * * * *

CONSENT ORDER

On or about March 20, 2012, the Maryland Board of Chiropractic and Massage Therapy Examiners (the "Board") charged Leon Young, D.C. ("Respondent"), (D.O.B. 10/7/61), license number S01643, pursuant to the Maryland Chiropractic Practice Act (the "Act") codified at Md. Code Ann., Health Occ. (H.O.) § 3-101, *et seq.* (2009 Repl. Vol. and 2011 Supp).

The pertinent provisions of the Act under which the Board voted charges are H.O. § 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: . . .

(18) Practices chiropractic with an unauthorized person or supervises or aids an unauthorized person in the practice of chiropractic; [and]

(19) Violates any rule or regulation adopted by the Board[.]

The pertinent regulation set forth in Md. Regs. Code ("COMAR") tit. 10 § 43.07.03 provides as follows:

The supervising chiropractor shall:

A. Submit:

- (1) The required Board Notification of Employment form before undertaking any hands on training or coursework with any chiropractic assistant applicant; and
- (2) All other Board-required reports and forms in a timely manner as determined by the Board.

On or about May 31, 2012, Respondent, his attorney and the Administrative Prosecutor on behalf of the State appeared before the Case Resolution Conference ("CRC") Committee of the Board, during which the parties agreed to enter into this Consent Order. A quorum of the Board accepted the negotiated settlement on or about June 14, 2012.

FINDINGS OF FACT

Background

1. At all times relevant hereto, Respondent was licensed to practice chiropractic in the state of Maryland. Respondent was originally licensed to practice chiropractic in Maryland on September 7, 1993, under license number S01643.
2. At all times relevant hereto, Respondent did not hold physical therapy privileges under his license and had not achieved Supervising Chiropractor Status from the Board.
3. At all times relevant hereto, Respondent practiced chiropractic at Clinic A, located in Baltimore, Maryland.

Complaint

4. On or about March 28, 2011, the Board received a complaint from an insurance company investigator alleging, in pertinent part, that during an on-site investigation of Clinic A on January 6, 2011, the investigator observed three individuals

(collectively "Unregistered Assistants A, B and C")¹ other than Respondent and the other chiropractors employed by Clinic A, providing treatment to patients.

5. On January 12, 2011, the investigator confirmed with the Board that Unregistered Assistants A, B and C had not been issued valid Chiropractor Assistant ("CA") registrations and had not been approved by the Board to provide treatment as CAs or CA applicants.

Investigation

6. Upon review of the complaint, the Board initiated an investigation.

7. On or about March 29, 2011, the Board's investigator obtained the Chiropractic Assistant Applicant In-Service Training Log Records for Unregistered Assistants A, B and C.

8. The logs revealed that Unregistered Assistant A began in-service training on September 14, 2010; Unregistered Assistant B began in-service training on September 6, 2010; and Unregistered Assistant C began in-service training on September 13, 2010. Unregistered Assistant A corroborated this in a sworn interview with the Board's investigator on March 30, 2011.

9. In a sworn interview with Board staff on August 31, 2011, Respondent admitted to having signed the logs for Unregistered Assistant A on many occasions under the column titled "Supervising Chiro. Signature."

10. Although Respondent testified that his regular hours at the time were only Tuesday and Wednesday afternoons, with little variation, Respondent stated that he had also worked at Clinic A on at least twelve (12) Mondays where his signature appeared on Unregistered Assistant A's logs.

11. Further, Respondent testified that he "just thought that [Unregistered Assistants A, B and C] needed somebody to sign that they were there working and doing this stuff, and I

¹ The names of these individuals are omitted to protect their privacy but are known to Respondent.

didn't realize that I wasn't certified to do this sort of thing...I don't do a lot of supervision on this stuff at all...I'm not actively supervising these people at this time." Respondent agreed that he signed the forms merely because he was asked to do so.

12. The Respondent stated that Unregistered Assistants A, B and C had assisted him with administering PT modalities to patients between September 2010 and March 2011.

13. Unregistered Assistant B listed Respondent as one of the chiropractors involved in her training when she submitted the Documentation of In-Service Training Hours form with her Chiropractic Assistant Application for Registration and Examination in March, 2011. This form also contains the signature of Clinic A's owner.

14. The Board's regulations require that an individual be registered with the Board in order to practice as a chiropractic assistant in this State. COMAR 10.43.07.11.

15. Notification of Employment forms had not been submitted to the Board for Unregistered Assistants A, B and C prior to the commencement of their in-service training at Clinic A in September, 2010.

16. Unregistered Assistants A, B and C were thus not authorized to assist in the practice of chiropractic between the period of September 2010 to February 2011.

17. By practicing with unauthorized persons and aiding and supervising three (3) unauthorized persons in the practice of chiropractic of at Clinic A, Respondent is subject to discipline by the Board pursuant to H.O. § 3-313(18).

18. By providing supervision to Unregistered Assistants A, B and C, Respondent is subject to discipline by the Board pursuant to H.O. § 3-313(19) for violating a regulation of the Board, to wit, COMAR 10.43.07.02.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent is subject to discipline pursuant to H.O. § 3-313(18 and 19) and COMAR 10.43.07.03.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, by a majority of the Board considering this case, it is:

ORDERED that the Respondent's license to practice chiropractic is hereby **REPRIMANDED**, and it is further

ORDERED that the Respondent be issued a fine of two thousand five hundred dollars (\$2,500.00), payable to the Board within nine (9) months from the effective date of this Consent Order², and it is further

ORDERED that the Respondent's license to practice chiropractic shall be placed on **PROBATION** for a period of **ONE (1) YEAR**, to commence on the effective date of this Consent Order; and it is further

ORDERED that during the period of probation, the Respondent shall successfully complete (a) the Board's Jurisprudence and Ethics examination; and (b) three (3) hours of a Board-approved course in ethics and/or record-keeping; and it is further

ORDERED that the Respondent shall refrain from functioning as a supervising chiropractor until he has successfully completed the examination and course required herein; and it is further

² The effective date of this Consent Order is the date upon which the Board's designee signs this Consent Order.

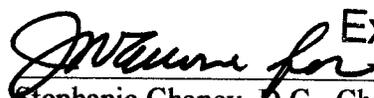
ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice an opportunity for a show cause hearing before the Board, may impose any sanction which the Board may have imposed under the Maryland Chiropractic Act, including a reprimand, probation, suspension, revocation and/or a monetary fine; and it is further

ORDERED that upon proof of successful completion of the probationary requirements stated herein, the Respondent's probation shall automatically be terminated one (1) year from the effective date of this Consent Order; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred in the fulfillment of the terms and conditions of this Consent Order; and it is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann. State Gov't § 10-611 et seq. (2009 Repl. Vol. and 2011 Supp.)

8-6-2012
Date

J.J. VALLONE, J.D.
Executive Director

Stephanie Chaney, D.C., Chair
Maryland Board of Chiropractic & Massage
Therapy Examiners

CONSENT

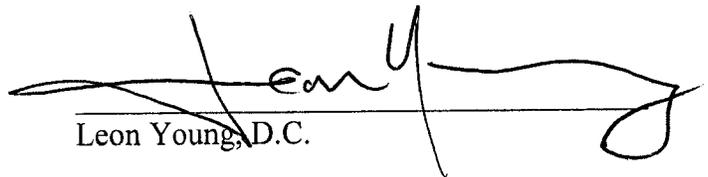
I, Leon Young, D.C., acknowledge that by this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

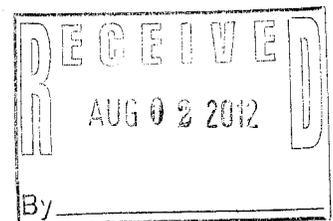
I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law.

I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order voluntarily and without reservation after having consulted with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

Date July 24, 2012


Leon Young, D.C.



NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 24 day of July, 2012,
before me, a Notary Public of the foregoing State and City/County personally appeared LEON
YOUNG, D.C., License Number S01643 and made oath in due form of law that signing the
foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.

Karen V Ramsey
Notary Public

My commission expires: Jan 18, 2016

