Stephen Erle, D.C.
605 Love Point Road
Stevensville, Maryland 21666

Date Jan 13, 2011

Kay O'Hara, D.C., President
Board of Chiropractic and Massage Therapy Examiners
4201 Patterson Avenue
Baltimore, Maryland 21215

Re: Surrender of Chiropractic License
License Number: S02023
Case Number: 07-36C

Dear Dr. O'Hara and Members of the Board:

Please be advised that I have decided to surrender my license to practice chiropractic in the State of Maryland, License Number S02023. I understand that I may not give chiropractic advice or treatment to any individual, with or without supervision and/or compensation, cannot practice chiropractic or assist in the practice of chiropractic or otherwise engage in the practice of chiropractic, as it is defined in the Maryland Chiropractic and Massage Therapy Act (the "Act"), Md. Health Occ. Code Ann. § 3-101, *et seq.*, (2009 Repl. Vol.). In other words, as of Jan 13, 2011, the effective date of this Letter of Surrender, I understand that the surrender of my license means that I am in the same position as an unlicensed individual.

I understand that this Letter of Surrender is a **PUBLIC** document.

My decision to surrender my license to practice chiropractic in Maryland has been prompted by my failure to comply with the terms of the Final Order, dated December 15, 2009, which is attached hereto and made a part hereof. That Order, which followed an evidentiary hearing on August 13, 2009 before the Board of Chiropractic and Massage Therapy Examiners (the "Board"), found that I violated the following provisions of the Act § 3-313 (7), (11), (12), (16), (18), (19), (25), (28); § 3-401 (f); § 3-404; § 3-3407 (1), (6), (7), (8), (9); §10.43.03.02 (B); §10.43.03.03 (A), (B), (F); COMAR §10.43.07.10 (A), (B); COMAR § 10.43.14.03 (8) (a), (b); COMAR § 10.43.14.04A (7), (11)(f), (g), (h), 12; B(4)(b)(iii); COMAR § 10.43.14.08A.

The above violations were based upon my false advertising, misrepresenting the effectiveness of treatment, making false reports in the practice of chiropractic, practicing chiropractic with unauthorized persons, use an unauthorized trade name, and failing to cooperate with a lawful investigation of the Board.

I affirm that I was served with a copy of the Order and that I have failed to comply with the following provisions:

ORDERED that, within SIX (6) months of the effective date of this Final Decision and Order, Respondent shall pay a fine to the Board in the amount of **$5,000.00,** which shall be paid to the General Fund of the State of Maryland; and it is further

ORDERED that, within SIX (6) months of the effective date of this Final Decision and Order, Respondent shall reimburse to the Board the Hearing transcript costs of $ 1,698.50; and it is further

ORDERED that Respondent shall enroll in Board pre-approved, individual, courses/tutorials, with the following conditions:

1. Respondent shall first obtain authorization to commence a selected tutorial course; once approved, Respondent shall notify the Board in writing that he enrolled in the Board pre-approved, individual, tutorials/courses as follows:

   a. A comprehensive individual tutorial/course in professional chiropractic and healthcare practitioner ethics; Respondent shall bear all costs and fees associated with this requirement by paying all required costs and fees to the tutorial/course provider in a timely manner as directed by the course provider;

   b. A tutorial course on all aspects of chiropractor and healthcare practitioner record keeping; Respondent shall bear all costs and fees associated with this requirement by paying all required costs and fees to the provider in a timely manner as directed by the tutorial/course provider;

2. Respondent shall ensure that the course instructors and tutors in the aforementioned tutorials/courses submit to the Board an assessment at the completion of the educational tutorial, which includes a report of attendance, participation and completion of assignments, including a copy of any essay or other written assignment that Respondent is required to write;

3. Respondent shall successfully complete the aforementioned tutorial courses within the 2-year probationary period; and it is further

ORDERED that Respondent shall take and pass the Board's Supervising Chiropractor Examination within one (1) year of the date of this Final Decision and Order, paying all required fees; and it is further

ORDERED that Respondent shall take and pass the Board's Disciplinary Jurisprudence Examination within I (one) year of the date of this Final Decision and Order, paying all required fees.

I have decided to surrender my license to practice chiropractic in Maryland to avoid further disciplinary action, including revocation of my license. By virtue of this Letter of Surrender, I waive any right to contest those findings. I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender. I **understand that by executing this Letter of Surrender, I am waiving any right to contest these findings in a formal evidentiary hearing following the Notice of Intent to Revoke, at 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 law, including the right to appeal.**

I hereby affirm that I have permanently terminated any practice that I had in Maryland.

I acknowledge that on or before the effective date of this Letter of Surrender, I shall present to the Board my chiropractic license, number S02023, including any renewal certificates and wallet-sized renewal cards.

I understand that the Board will advise any data agency that it must report to of this Letter of Surrender, and, in any response to inquiry, that I have surrendered my license in lieu of disciplinary action under the Act as resolution of the matters pending against me. I also understand that, in the event I would apply for licensure in any form in any other state or jurisdiction, this Letter of Surrender, and all underlying documents, may be released or published by the Board to the same extent as a final order that would result from disciplinary action pursuant to Md. State Gov't Code Ann §10-611, *et seq.*, (2009 Repl. Vol.).

I further recognize and agree that, by agreeing to this Letter of Surrender, my license will remain surrendered until such time as I have complied with the conditions of the Order of December 15, 2009. In other words, I agree not to apply for reinstatement of my chiropractic license in the State of Maryland, until I have fully complied with all of the conditions of the said Order. If more than five (5) years has passed, then not only must I comply with those conditions, but I shall also have to meet the conditions required of a new licensee.

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have not consulted with an attorney before signing this Letter of Surrender and waive my right to do so. I understand both the nature of the Board's actions and this Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.

Sincerely,

Stephen Erle, D.C.

NOTARY

STATE OF Md:

CITY/COUNTY OF Kent:

I HEREBY CERTIFY that on this 7th day of March, 2011, before me, Stephen Erle (Print Name), a Notary Public of the State and City/County aforesaid, personally appeared Stephen Erle, and declared and affirmed under the penalties of perjury that signing the foregoing letter of surrender was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Heidi M. Thoma-Luff
Notary Public

My Commission expires: 12/2/2012

HEIDI M. THOMA-LUFF NOTARY PUBLIC KENT COUNTY, MARYLAND

ACCEPTANCE

ON BEHALF OF THE BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS, on this 16th day of March, 2011, I accept Stephen Erle's public Letter of Surrender of his license to practice chiropractic in the State of Maryland.

Kay O'Hara, President
Board of Chiropractic and Massage Therapy Examiners

Attachments (copy to all ccs)

cc: Grant Gerber, AAG, Board Counsel
Roberta Gill, AAG, Administrative Prosecutor
John Nugent, Principal Counsel
Adrienne Congo, Deputy Director
Rosalind Spellman, Administrative Officer

IN THE MATTER OF	*	**BEFORE THE STATE BOARD**
STEPHEN ERLE, D.C.	*	**OF CHIROPRACTIC**
Respondent	*	**EXAMINERS**
License Number: S02023	*	**Case No.: 07-36C**

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FINAL DECISION AND ORDER

BACKGROUND

On November 20, 2008, the Maryland State Board of Chiropractic Examiners (the "Board") issued Charges against Stephen Erle, D.C. (the "Respondent" or "Dr. Erle"), license number 02023, pursuant to its authority under the Maryland Chiropractic Act (the "Act"), Maryland Health Occ. Code Ann., ("H.O.") §§ 3-101 *et seq.*, (2000 Repl. Vol. and 2004 Supp.). Specifically, the Board charged Respondent with violating the following provisions of H.O. § 3-315:

> Subject to the hearing provisions of § 3-315[1] of this subtitle, the Board may deny a license to any applicant, reprimand any licensee, place any licensee

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[1] § 3-314.

(a) If after a hearing under § 3-315 of this subtitle the Board finds that there are grounds under § 3-313 of this subtitle to suspend or revoke a license, the Board may impose a penalty not exceeding $5,000 for each violation:

(1) Instead of suspending the license; or

(2) In addition to suspending or revoking the license.

(b) If after disciplinary procedures have been brought against a licensee, the licensee waives the right to a hearing required under this subtitle and if the Board finds that there are grounds under § 3-313 of this subtitle to reprimand the licensee, place the licensee on probation, or suspend or revoke a license, the Board may impose a penalty not exceeding $5,000 for each violation in addition to reprimanding, placing the licensee on probation or suspending or revoking the license.

on probation, with or without conditions, or suspend or revoke a license, or any combination thereof, if the applicant or licensee:

(7) Solicits or advertises in a false or misleading manner or in any other manner not approved by the Board;

(11) Misrepresents the effectiveness of any treatment, drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain;

(12) Makes or files a false report or record in the practice of chiropractic;

(16) Overutilizes health care services;

(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;

(25) Submits false statements to collect fees for which services were not provided; or

(28) Violates any provision of this title.

The Board further charges Respondent with a violation of:

§3-401. Advertising and solicitation

(a) The Board shall adopt rules and regulations to establish standards for advertising or soliciting by chiropractors.

The Board also charges Respondent with a violation of :

§3-404. Delegation of duties to assistant; qualifications for assistant.

A licensed chiropractor may delegate duties to an assistant to the extent permitted by the rules and regulations of the Board if the assigned duties do not require the professional skill and judgment of a licensed chiropractor. The rules and regulations shall also establish qualifications for the position of chiropractic assistant.

The Board charges Respondent with a violation:

§3-407. Trade Names.

A licensed chiropractor may use a trade name in connection with the practice of chiropractic provided that:

(1) The use of the trade name is not deceptive or misleading;

(2) The advertisement in which the trade name appears includes the name of the licensed chiropractor or the name of the business entity providing the chiropractic services being advertised as long as the advertisement includes the name of a licensed chiropractor;

(3) The name of the licensed chiropractor providing chiropractic services appears on the billing invoices, stationery, and on any receipt given to a patient;

(4) Treatment records are maintained that clearly identify the licensed chiropractor who has performed the chiropractic service for the patient; and

(5) The use of a trade name is preapproved by the Board before use.

The Board further charges that Respondent violated the Board's advertising regulations, Code Md. Reg. tit.10, § 10.43.03 (August 6, 2001):

.02 Qualifications.

B. In an advertisement, a chiropractor may state the name of the chiropractor's specialty only if that specialty is approved by the Board.

.03 Prohibitions.

An advertisement may not contain statements that:

A. Contain a misrepresentation of facts or do not reasonably identify the practice as chiropractic;

B. Are likely to mislead or deceive because in context the statement makes only a partial disclosure of relevant facts;

F. Contain representations or implications that in reasonable probability can be expected to cause an ordinary prudent person to misunderstand or to be deceived;

The Board further charges Respondent with violating its regulations regarding assistants, Code Md. Regs, tit. 10, § .04 07 (June 9, 2003):

.10 Chiropractic Applicant or Assistant Prohibited Acts.

A chiropractic applicant or assistant may not engage in any of the following activities:

A. Communicate an evaluation or diagnosis to a patient or third parties;

B. Perform an act requiring the professional skill or judgment of a licensed chiropractor;

The Board also charges Respondent with a violation of its Code of Ethics, Code Md. Regs. tit. 10, § 43.14 (January 9, 2007):

.03 Standards of Practice

(8) Cooperate with any lawful investigation conducted by the Board, including:

(a) Furnishing information requested;

(b) Complying with a subpoena;

.04 Relationship with Patient.

A. A chiropractor shall:

(7) Make referrals only to other qualified and duly licensed health care providers;

(11) Ensure clear and concise professional communications with patients regarding:

(c) Costs;

(d) Billing; and

(e) Insurance; and

(12) Administer fair and equitable fees to patients regardless of status or insurance.

B. A chiropractor may not:

(4) Exploit the professional relationship by:

(b) Charging for a service:

(i) Not provided; or

(ii) Different from those actually provided.

.06 Records, Confidentiality, and Informed Consent.

A chiropractor shall:

A. Respect and maintain the privacy and confidentiality of the patient;

B. Disclose the patient's records or information about the patient only with the patient's consent or as required by law;

D. Provide sufficient information to a patient to allow the patient to make an informed decision regarding treatment, including:

(1) The purpose and nature of an evaluation or treatment regimen;

08 Advertising.

A. A chiropractor may advertise services subject to COMAR 10.43.03.

An evidentiary hearing on the merits of the case was held on August 13, 2009, before a quorum of the Board, pursuant to H.O. § 3-315(a). Dr. Erle was not represented by counsel at the hearing. The State of Maryland ("the State") proceeded on the Charges that were issued on November 20, 2008.

The Board issues this Final Decision and Order based upon its consideration of the entire record, including the exhibits, witness testimony and oral arguments. For the reasons set forth below, the Board approves and adopts this Final Decision and Order.

SUMMARY OF EVIDENCE

A. Documents

The following documents were admitted into evidence on behalf of the State without objection:

Exhibits 1 – 12(e).

B. Summary of Pertinent Witness Testimony

The State presented four witnesses at the hearing. The State's witnesses were Ms. Melissa Hoffman, Dr. Scott Lawrence, Dr. Collin Johnson, and Mr. David Ford. Respondent testified on his own behalf.

Melissa Hoffman

Ms. Hoffman filed a complaint with the Board on June 6, 2007. (Ex. 4). Her complaint alleged that Dr. Erle allowed unlicensed individuals to treat patients. Ms. Hoffman was employed in Dr. Erle's office from roughly September, 2005 through May, 2007. Ms. Hoffman testified that she had witnessed unlicensed individuals using ultrasound and other modalities in the office. Ms. Hoffman's testimony was consistent with her complaint.

Scott Lawrence, D.C.

Dr. Lawrence was retained as an expert witness on the practice chiropractic on behalf of the Board. Dr. Lawrence is licensed as a chiropractor in Maryland. Dr. Lawrence prepared a report that was admitted as Exhibit 11. Dr. Erle did not objection to Dr. Lawrence's report and qualification as an expert.

Dr. Lawrence stated that Dr. Erle had allowed unlicensed individuals to treat patients in his office. Dr. Lawrence noted that Dr. Erle's record keeping was below the standard of care and inadequate. Dr. Lawrence observed that Dr. Erle misstated his credentials. Dr. Erle claimed to be a licensed physical therapist, but was not. Dr. Lawrence stated that in his opinion that Dr. Erle's advertising was improper because the claims were greatly exaggerated or false.

Dr. Lawrence found irregularities in Dr. Erle's billing practices. Dr. Erle would require patients to pay cash for their traction treatments up front. Then, Dr. Erle would bill their insurance for the full amount already paid by the patient. If the patient's insurance company paid the claim, Dr. Erle would keep the money from the insurance company. Dr. Erle could receive payment from the patient and the insurance company for the same service with this method. Dr. Lawrence noted that Dr. Erle had told his subordinate, associate Dr. Collin Johnson to code up chiropractic manipulation to the highest reimbursement level. Dr. Lawrence found these actions to be in violation of the Board's practice act and regulations.

Collin Johnson, D. C.

Dr. Johnson was called as witness for the Board. Dr. Johnson is a licensed chiropractor. Dr. Johnson was employed by Dr. Erle from October, 2006 to August, 2007. During his tenure, Dr. Johnson observed unlicensed individuals placing patient's in traction and performing other treatment that can only be performed by a licensee.

David Ford

Mr. Ford testified that he has been employed as an investigator with the Board for approximately ten years. Mr. Ford testified that he investigated Ms. Hoffman's complaint against Dr. Erle. Dr. Johnson told Mr. Ford that unlicensed employees had performed therapy in Dr. Erle's office. Mr. Ford interviewed Patient's A, B, C, and D. These patients all testified that they received treatment from unlicensed individuals in Dr. Erle's office.

In the course of Mr. Ford's investigation, he subpoenaed records from Dr. Erle. Dr. Erle never provided a complete copy of his records to Mr. Ford. Additionally, Mr.

Ford asked for specific information with regard to patients whose bills were submitted to insurance companies. Dr. Erle never provide this insurance information. Mr. Ford obtained some information on patients bill that were submitted to insurance by contacting Blue Cross directly.

Stephen Erle, D.C.

Respondent testified on his own behalf. Respondent testified that is record keeping was not perfect. Dr. Erle purchase a traction machine called a DRX-9000 from a company called Axiom. Dr. Erle used the advertising information the company provided with the machine without regard to the validity of its claims. Dr. Erle took fifty people out to a "free" steak dinner in hopes convincing them to become patients. Dr. Erle said he would take the hit for the advertising violation on this one. Dr. Erle admitted that he did not have approval to operate under the name Maryland Disc Institute. Dr. Erle admitted that he was not a physical therapist and should not have held himself out to be a physical therapist.

Dr. Erle admitted that he employed two unlicensed individuals in his office for over twelve months in the capacity of chiropractic assistants. Dr. Erle claimed to have misunderstood the law, but admitted to the practice.

Dr. Erle explained that he did not provide the billing information that Mr. Ford requested. Dr. Erle stated that his medical billing company was supposed to provide this information to the Board, but they never did. So, the Board never received complete copy of his records. Further, Dr. Erle admitted that he had overutilized the code for kinetic exercise. Dr. Erle did not spend fifteen minutes with each patient, as is indicated by this code. This billing code was improper.

FINDINGS OF FACT

Based upon the testimony and the exhibits presented at the evidentiary hearing, the Board finds the following facts to be true by a preponderance of the evidence:

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

1. At all times relevant to the charges herein, Respondent was licensed to practice chiropractic in the State of Maryland. Respondent was first licensed on March 21, 2001. Respondent's license expires September 1, 2009.

2. At all times relevant hereto, Respondent was the owner and a practitioner at Kent Island Chiropractic, P.A., but shared an office with another chiropractor, and had employed a chiropractor from October 2006 – August 2007.

3. By a form dated 6/4/07, a former employee filed a complaint with the Board indicating that she was the only authorized Chiropractic Assistant (CA) in the office and that Respondent allowed two other employees who were not authorized by the Board as CAs to perform duties that only authorized CAs can perform. The complaint further stated:

A. In 2006, Respondent bought a DRX 9000 machine[2] and put a sign over the door that stated:"Maryland Disc Institute;"[3]

B. The two employees, who are not authorized to perform duties limited to CAs, perform electrical stimulation on patients before and after the DRX9000 therapy;

C. These unauthorized employees ran the DRX machine when no doctor is on the premises;

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[2] DRX9000 is a traction device.
[3] Respondent is not approved by the Board to practice under that name.

D. Respondent charged patients about $4800 for treatment on the machine, which bill they are to submit to their insurers to get a refund;

E. Those two employees who perform the unauthorized acts have been doing so for over a year and they are not in class to qualify to perform CA duties.

4. As a result of the above complaint, the Board conducted an investigation during which the following was revealed:

A. The Complainant worked for Respondent from September 2005-May 2007;

B. The Complainant stated that the two unauthorized employees performed electrical muscle stimulation (EMS), heat therapy, ultrasound, traction, and electromyography (EMG) scans on patients and that they performed traction therapy at times when Respondent was not in his office;

C. The Board's Investigator arrived at Respondent's office on 7/3/07 at approximately 8:30 A.M., where he met a woman, later identified as Donna Towers, at the front desk. Ms. Towers was dressed in scrubs;

D. The Investigator requested to see the DRX9000 machine and Ms. Towers escorted him to the traction therapy machine. At that time, Patient A[4] was receiving traction therapy for her lower back, according to Ms. Towers;

E. Ms. Towers explained to the Investigator that the DRX 9000 machine could be set to treat any part of the spine, and that heat or ice therapy preceded the traction therapy;

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[4]Patients' names are confidential but may be disclosed to Respondent by contacting the Administrative Prosecutor.

F. When the Investigator inquired whether Patient A had received heat or ice therapy, Ms. Towers replied that she had. Ms. Towers then asked the Investigator which part of his back bothered him and asked if he wanted to answer a few questions from a questionnaire, to which he replied in the affirmative. Thereupon, Ms. Towers led him back to the front desk where she asked if he had had any spinal fusions, cancer of the spine, and a few other questions. After asking the questions, Ms. Towers stated that the Investigator would probably be a good candidate for traction therapy, but Respondent would have to decide when he saw him;

G. When the Investigator asked whether any doctors were present on site, she replied no, but that Respondent would be in later;

H. The Investigator went out to the parking lot and waited to see if Respondent came to his office. Approximately 15 minutes later, he checked his answering machine and found that Respondent had left him a message that he had stepped out of the office for a few minutes and knew that he had a few questions to ask him;

I. When the Investigator went back inside the office, he found out that Respondent had come in through the back door. The Investigator explained the CA regulations to Respondent who stated that he was unaware that he had to notify the Board of a CA trainee's employment and that he thought the CA had 18 months to take the course;

J. Ms. Towers stated that she had started working for Respondent in August 2005, and, in March 2006, she was trained to use the DRX 9000 machine by the sales rep, and was trained to perform heat, ice and electrical stimulation therapy on

Respondent's patients by Respondent. Ms. Towers further stated that she performed physical therapy (PT) on three-ten of Respondent's patients a day since March 2006. Ms. Towers stated that that she worked Mondays, Wednesdays, Thursdays and Fridays[5];

K. Later on, on 1/6/08, Ms. Towers informed the Investigator that she performed PT on Respondent's patients on other occasions when Respondent wasn't there, but could not specify the dates;

L. On 11/28/07, Kathleen Rodrigues stated, under oath, that she had been working for Respondent since the summer of 2006, and approximately three months later, she started performing physical therapy on Respondent's patients;

M. Ms. Rodrigues said that she treated up to 37 patients a day and was trained by Respondent to do electrical stimulation, traction therapy on the DRX9000, and hot/cold therapy;[6]

N. Ms. Rodrigues looked at the bill for Patient B and acknowledged that she performed PT on Patient B 95% of the time that Patient was billed for same. Ms. Rodrigues also noted that Patient B had been billed by Respondent for "therapeutic procedures/exercises," and denied that she or anyone else in Respondent's office performed therapeutic exercises on Patient B while she was a patient there;

O. The Investigator returned to Respondent's office on 7/12/07 to pick up 10 patient records that the Board had subpoenaed for Respondent. While there, he met

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[5]Respondent did not send the Board a notification that he was training Ms. Rodriques until 7/6/07, after the Investigator's visit. Ms. Towers left Respondent's employ on 9/14/07, but Respondent failed to notify the Board of that fact, as required.

[6]Respondent did not send the Board a notification that he was training Ms. Rodrigues until 7/6/07, after the Investigator's visit. On February 21, 2008, Respondent notified the Board that she left his employment.

with Dr. Hodges, who shared office space with Respondent. Dr. Hodges treats her patients without assistants and also answered the phone at the front desk. The Investigator asked Dr. Hodges whether she had ever supervised Ms. Towers or Ms. Rodrigues, and she replied that she had never supervised them;

P. On 1/15/08, the Investigator again interviewed Dr. Hodges, under oath, and she stated that she had seen Ms. Towers and M. Rodrigues performing traction therapy on Respondent's patients using the DRX9000 machine, prior to the time that Respondent notified the Board that those individuals were being trained by him as CAs;

Q. During the interview of Dr. Collin Johnson, he stated that he worked for Respondent from October 2006-August 2007. He stated that he spoke to Respondent in May 2007 about Ms. Towers and Ms. Rodrigues not being CAs but practicing PT on patients, and was told by Respondent "not to worry." Dr. Johnson stated that, after the Complainant left, Respondent started having Ms. Rodrigues perform electrical stimulation and hot/cold therapy on his chiropractic patients, in addition to performing PT on the DRX9000 patients. Dr. Johnson estimated that Ms. Towers and Ms. Rodrigues treated 8-10 patients a day. Dr. Johnson further stated that there were six occasions when he came into Respondent's offices at 7:30 A.M. and found Ms. Towers or Ms. Rodrigues tending to a patient on the DRX9000 treatment table, performing traction therapy, and no chiropractors were in the building. Dr. Johnson also stated that he never saw Patient B receive therapeutic procedures/exercises while at Respondent's office, even though she and her insurer were billed for it on each and every occasion;

R. At an interview on 10/30/07, Ms. Haddaway stated that she worked for Dr. Hodges, who shared office space with Respondent from 9/05-1/07. Ms. Haddaway

stated that she had observed Ms. Towers and Ms. Rodrigues treat patients on the DRX9000 machine and knew that they were not licensed CAs, but was told by Respondent that they did not need to be CAs to treat patients on the DRX9000 equipment, because it was not physical therapy;

S. Respondent's records indicate that Patient A was treated 18 times at Respondent's office between 6/25/07-8/3/07:

(1) Patient A stated that she was treated at Respondent's office with the DRX9000 spinal decompression equipment;

(2) Patient A's records show that she was on the DRX9000 machine 18 times and that she received electrical stimulation and therapeutic procedures each of those times;

(3) Patient A stated that Ms. Towers treated her until 7/3/07—the date of the Investigator's visit—and then Respondent treated her or she was treated by Ms. Rodrigues;

(4) Patient A stated that she did not do any exercises in Respondent's office, as billed for, until the last DRX treatment on 8/3/07.[7]

T. Respondent's records indicate that Patient B was treated 20 times at Respondent's office between 12/4/06-1/2/07:

(1) Patient B stated that she was treated at Respondent's office for low back pain;

(2) Patient B further stated that Respondent told her he would treat her back pain using the DRX9000 spinal decompression equipment;

[7]Respondent reimbursed Patient A for the overcharge.

(3) Patient B's records indicate that she also received electrical stimulation and therapeutic procedures each of the 20 times she was treated there;

(4) Patient B stated that, after the initial examination Respondent performed on her, she rarely saw him; rather, Ms. Rodrigues treated her 95% of the time and Ms. Towers, 4% of the time;

(5) Patient B stated that she received electrical stimulation and mechanical traction from Ms. Towers and Ms. Rodrigues, but did not receive any therapeutic procedures from anyone at Respondent's office; although Respondent had discussed some exercises that she could do at home, no one ever did any one-on-one exercises with her;

(6) Patient B further stated that, when Ms. Rodrigues or Ms. Towers treated her, there were occasions when they were the only ones in the office and no chiropractor was supervising them.

U. Patient C was treated 21 times at Respondent's office between 5/22/06-6/29/06:

(1) Patient C stated that she was treated with the DRX9000 spinal decompression equipment 20 times;

(2) According to Respondent's billing, Patient C also received electrical stimulation and therapeutic procedures each of the 20 times that she was seen at Respondent's office;

(3) Patient C stated that Ms. Towers treated her most of the time.

V. Patient D was treated 18 times at Respondent's office between 6/27/07-

8/3/07:

(1) Patient D stated that she was treated with the DRX9000 spinal decompression equipment. Respondent's records show that she was treated on the machine each of those times;

(2) Respondent's records also indicate that Patient D received unlisted physical medicine/rehab and therapeutic procedures each of the 18 times;

(3) Patient D stated that she was treated by Respondent, Ms. Towers and Ms. Rodrigues;

(4) Patient D stated that she did not receive all of the therapeutic treatment/exercises she and her insurance company were billed for by Respondent, and that she did not do any exercises at Respondent's office until after the last DRX9000 treatment on 8/3/07.[8]

W. Respondent admitted not being in the office on 7/3/07 while Ms. Towers was performing traction therapy on a patient;

X. Respondent admitted he ran an ad for his DRX 9000 in the July/August 2007 newspaper, *Women's View*. The ad stated: "How an Accidental Discovery by NASA in Outer Space Quickly and Easily Solves nearly 90% Back and Neck Pain;"[9]

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[8]Patient D informed the Investigator that Respondent owed her $67.50 and told her, on 2/21/08, that "they were looking into it;" however, as of 6/11/08, she had not been reimbursed.

[9] In the Board's Spring 2007 newsletter, which is sent to all licensed chiropractors in the State, the Board put licensees on notice regarding "unfounded, bogus, confusing and

Y. Respondent also admitted that he ran an ad in July 2007 in the *Bay Times* offering to buy 50 pre-qualified local residents dinner at Annie's Restaurant, to "learn about the latest and most promising technology to non-surgically replace spinal discs and spinal decompression."

Z. During his interview of 3/11/08, Respondent admitted that he billed all of his DRX9000 patients for therapeutic exercises each time they received a DRX treatment, even though he had not performed any therapeutic exercises with the patients;

AA. A review of the 10 patient records that the Investigator selected (five DRX and five chiropractic) showed that the DRX patients and/or their insurers were billed for therapeutic procedures/exercises, even though three of the patients stated that they had not received these and Ms. Rodrigues stated that she had provided PT to Respondent's patients, but not therapeutic procedures/exercises, as billed;

BB. Respondent used the trade name "Maryland Disc Institute" even though the Board had only approved the trade name "Kent Island Chiropractic". Respondent acknowledged using the trade name "Maryland Disc Institute" since March 2006;

CC. Despite being informed by the Investigator on 9/6/07 that he could not claim that he was a licensed physical therapist unless he was also licensed by the Board of Physical Therapy Examiners, which he is not, as of 2/28/08, Respondent's website stated that he is a "licensed physical therapist";

DD. Respondent did not have legible copies of the "Non Surgical Low Back Reconstruction Program Written Treatment Plan" for five patients;

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misleading advertising" regarding the DRX9000, listed several examples of those types of ads, and warned that it would not be tolerated.

EE. In response to an 8/7/07 letter written to Respondent by the Board's Executive Director, Respondent stated that no patients received any physical therapy treatment or assistance from Ms. Towers or Ms. Lindegren (Rodrigues), including DRX9000 modalities when no supervising chiropractor was present in the office. This statement is not true;

FF. Although the Board subpoenaed from Respondent "all records related to the selected patient records," Respondent failed to provide all the records. On 8/6/07, the Board's Executive Director wrote a letter requesting that he provide "legible copies of bills and invoices and related documentation sent to insurance companies for treatment to (10 named patients whose records the Board had subpoenaed)". There was no response from Respondent regarding the request. On 9/6/07, the Investigator interviewed Respondent under oath and asked him for "everything related to the patient file...," as well as "how soon can you get the Board all the records?" Respondent stated, under oath, "I can do it today." Yet, Respondent failed to provide the requested records, as promised. On 3/11/08, the Investigator interviewed Respondent again under oath and asked him for "whatever bills went out to the patients' insurance companies." Respondent has failed to comply with the Board's request;

GG. Respondent claimed that his office was closed on Fridays; yet, the DRX 9000 machine has printouts for treatment rendered to Patients A, B and C on Fridays.

5. The Board retained an expert to review Respondent's practice: the expert submitted a written opinion on July 21, 2008, as follows:

A. As set forth above by, the Investigator, Respondent violated 11 areas:

1) Not notifying the Board for CA training of Ms. Towers in a timely manner;

2) Not notifying the Board for CA training of Ms. Rodrigues in a timely manner;
3) Allowing treatment to be rendered in his office without a supervising chiropractor present;
4) Allowing treatment to be performed by unregistered/untrained staff;
5) Billing for procedures that were not performed;
6) Using an unapproved trade name;
7) Falsely claiming professional credentials;
8) Unprofessional conduct;

9) Different types of false advertising;
10) Buying dinners for "pre-qualified" future patients at a local Steak House;
11) Double billing for claimed services;

B. The expert identified the following deficiencies in Respondent's practice:

(1) Lack of SOAP notes for DRX 9000 patients and lack of examination findings that indicate the need for care:

(a) It is the responsibility of Respondent to maintain records that include SOAP notes that accurately document the subjective complaints, objective findings, assessment of the correlation between the subjective and objective components, and describe the plan and/or procedures for that day for that patient;
(b) Further, the doctor of chiropractic is responsible for making sure that his staff fully complies with this regulation;
(c) The records provided for this review offer a computer print-out of the pre-set parameters/ protocol for the DRX 9000, which may comprise some of the "P" portion of the record, but without proper justification for care, the procedure would be considered inappropriate/unnecessary;
(d) Finally, the examination forms for these cases fail to document any significant findings that require care, let alone 18-20 visits and $4,300+ worth of care;
(e) When a doctor renders care that is not required and/or overutilizes care, he is in violation of the Act, especially if that overutilization benefits the doctor

financially.

(2) Inadequate notes for the non-DRX 9000 patients:

(a) Although these patient charts have more documentation of the daily activity for the patients, these still fall short of the requirement;
(b) The notes from the earlier patients (i.e., those treated in 2003 and 2004) had slightly better notes, which deteriorated over time with respect to the amount and quality of the information contained therein;
(c) The examination findings for these patients failed to justify the need for treatment, especially multiple levels of manipulation;
(d) Without properly establishing the need for a given type of care for a patient, it would be considered inappropriate and/or unnecessary to provide care, especially if, by providing that care, the doctor gains financially.

(3) Lack of Contract/Payment Agreement Information in the DRX 9000 (Pre-Payment) Patient Records

(a) In the records provided for this review that the DRX 9000 patients pre-payed (at least $4,300) for care; however, none of the case charts provided have any type of contract included. All financial data regarding a patient is considered part of the patient's health record and is required to be maintained therein;
(b) Additionally, it was noted in the case of Kelly McQuinn, that she was informed that she could receive a refund for her care if she was dissatisfied with the results she obtained, but that she was unable to meet with Respondent to redeem this refund. Eventually, he offered her twelve (12) chiropractic visits for free as an alleged concession, which he seemed to also *offer* other patients, but she worsened under his chiropractic care and did not use those either;
(c) Without the pre-payment contract and guaranty language, it is difficult to determine if his arrangement with these patients was proper. In any case, these should be included in the patients' charts as part of their health record.

(4) Contradiction of "Qualifying" Parameters for Care:

(a) Some of these charts included a form that stated in the headline "10 Qualifying Questions For All New Patient Consultations." Near the bottom of this document, it states, "If the patient is calling for a LOWER back problem the [sic] are AUTOMATICALLY Disqualified [sic];"

(b) However, even the patients with purely lower back problems are told, "Congratulations (name) you qualify for a consultation with [Respondent];"

(c) It is unclear why lower back cases would be disqualified from care.

(5) Exaggerated and/or false advertising claims in the Maryland Disc Institute Web Site:

(a) Respondent makes several exaggerated and/or false claims on his http://mddiscinstitute.com web site. These include his statement that "[they] have had stunning success with these conditions ['conditions ranging from whiplash to scoliosis to herniated discs'] and many others;"

(b) The sampling of records provided for review of this case fails to support that claim;

(c) His assertion that "Spinal Decompression has been the most important medical advance in the non-surgical, non-invasive treatment of back pain in the past 10 years" is refuted within his own website under the research link (http://mddiscinstitute.com/RESEARCH.htm) under the "Decompression" tab on the home page. Within this link are eight (8) articles, the newest of which is from 1998; some discuss a competing, but similar, machine, the VAX-D; and some are internally produced, leaving their independence in question;

(d) Also, under the "Decompression" tab, it states, "At Maryland Disc Institute, we are dedicated to improving the health and function of our patients. We do this by combining traditional chiropractic care with state-of-the-art technology to deliver an unprecedented level of service [sic]."

(e) Again, this device is not a "state-of-the-art

technology" nor would the service described generally in this case be considered to have achieved "an unprecedented level."

(f) Even the video on the site with an unidentified woman speaking states falsely that a "thorough examination" would be performed, but the records provided for this review fail to support that claim;

(g) Finally, it is noted that Dr. Hodges has been added as a DRX 9000 doctor, which was not the case during her interview with the Investigator. She generally claimed a total lack of connection with his office, beyond a general space sharing arrangement.

(6) Billing Problems/Irregularities, Solicitation of Patients That Are Within Participating Payer Systems

(a) Patients that receive the DRX 9000 are charged $200 for mechanical traction, 97012, per visit and the "chiropractic" patients are charged $20 for the same billing code. Again, it has been established that the DRX 9000 does not provide a substantially different therapy than other forms of mechanical traction;

(b) Every DRX 9000 patient was also charged for "therapeutic procedures/exercises," 97110, on every visit, when the balance of the information provided for this review clearly disputes that this service was provided and the records for these patients fail to document any therapy other than the DRX 9000 print-out;

(c) The electrical muscle stimulation, though described by those interviewed, is also without supporting documentation, which is inappropriate.

(d) The records provided for this review for the "chiropractic" patients also fails to support the types and levels of care charged for any of the patients. In some instances the charges fail to match the diagnoses and in all cases, the examinations did not properly establish the need for care and the daily notes only minimally offered justification for generalized problems, let alone the care described in the bills.

(7) Conflicting Information Provided from Respondent as Opposed to the Others Interviewed in This Case

(a) During the interview with Respondent, he described

many points that were clearly contradicted by the other individuals interviewed in this case. These issues include: treatment being performed with or without supervision; the hours when patients received treatment in his office; if the patients were reimbursed for monies his office had collected in duplication; his responsibility regarding the issues in this case; and, the responsibilities of a supervising chiropractor;

(b) Clearly, these issues are under the general responsibility of his license, and his pleading of "ignorance" or the fact that billing may be handled by an outside firm does not remove him from this responsibility.

(8) Failure to notify the Board of the change in status for the complainant:

(a) It is noted that after the Complainant, stopped working at his office, no form was provided (per CA regulation) that explained the change;

(b) This is inappropriate and further calls into question if Respondent is qualified to act as a supervising chiropractor.

(9) Other Record Keeping Problems

(a) Respondent failed to provide records that were accurate, complete, and provide all pertinent data regarding the patients' respective cases;

(b) That these records contained multiple substantive errors/inconsistencies;

(c) However, another point noted in his DRX 9000 cases was the use of scanning surface electromyography (SEMG). Current literature has shown that the SEMG has not been of proven diagnostic value for the types of conditions described in this case. In fact, the American Association of Electrodiagnostic Medicine has provided a position on the use of surface EMG in the diagnostic work up of neuromuscular disorders. It feels that "[t]here are no clinical indications for the use of surface electromyography in the diagnosis and treatment of disorders of nerve or muscle";

(d) One of the main problems is that it is generally felt that it is too difficult to properly position the patient for accurate re-assessments;

(e) NASA has also studied the effectiveness of SEMG.

NASA has utilized this type of muscle testing on its astronauts because it can be maintained over prolonged periods with minimal invasiveness; however, its applications are limited and it has found the true effectiveness to also be limited;

(f) NASA worked for at least six (6) years with DelSys, Inc. to try to develop a wireless muscle testing system that can provide accurate information over prolonged periods of activity, and the applications have demonstrated that SEMG is limited for precise data-gathering, due to excessive noise from multiple muscle fibers, skin, motion, and sweat;

(g) Additionally, the primary applications to date have also been non-diagnostic/clinical; instead, it is attempting to gather data on the affects of changes in muscle from different forces of gravity, both increases and decreases, on specific muscle groups, none of which are identified as being in the lower back;

(h) Thus, Respondent's use of this device is questionable as a diagnostic and/or educational tool for the patient.

(10) No Documentation Of A Diagnosis:

(a) The records provided for this review fail to identify any diagnosis (with the possible exception of the bills, and then these are not properly established in the records).

(b) Current literature asserts that therapeutic necessity and the identification of a treatable condition is established when the patient's subjective complaints correlate with the doctor's objective findings for a treatable condition

(c) Without a working diagnosis, a doctor cannot properly direct treatment toward a specific condition/goal.

C. The expert concluded that Respondent demonstrated a clear lack of attention to appropriate documentation of key factors in the patients' health records; billing irregularities that benefit the doctor financially; lack of proper supervision and/or presence of the doctor when patients

are being treated; and, general disregard for the Act and regulations governing the practice of chiropractic in Maryland. The expert opined that Respondent displayed inappropriate patterns regarding record-keeping, billing, diagnostic necessity, therapeutic necessity, appropriateness of treatment, and failure to practice according to acceptable standards.

6) As set forth above, Respondent violated the Act and the regulations by aiding the unauthorized practice of chiropractic, billing for services not rendered, failure to document procedures, violating the advertisement regulations, falsely holding himself to the public as a Physical Therapist, and failing to adhere to the appropriate standard of care,

CONCLUSIONS OF LAW

Based upon the foregoing Summary of Evidence, Findings of Fact and Discussion, the Board concludes as a matter of law that Respondent has violated the following provisions of HO § 3-313:

(7) Solicits or advertises in a false or misleading manner or in any other manner not approved by the Board;

(11) Misrepresents the effectiveness of any treatment, drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain;

(12) Makes or files a false report or record in the practice of chiropractic;

(16) Overutilizes health care services;

(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;

(25) Submits false statements to collect fees for which services were not provided; or

(28) Violates any provision of this title.

The Board further finds that Respondent with a violated of:

§3-401. Advertising and solicitation

(f) The Board shall adopt rules and regulations to establish standards for advertising or soliciting by chiropractors.

The Board finds that Respondent is in violation of:

§3-404. Delegation of duties to assistant; qualifications for assistant.

A licensed chiropractor may delegate duties to an assistant to the extent permitted by the rules and regulations of the Board if the assigned duties do not require the professional skill and judgment of a licensed chiropractor. The rules and regulations shall also establish qualifications for the position of chiropractic assistant.

The Board finds that Respondent is in violation of:

§3-407. Trade Names.

A licensed chiropractor may use a trade name in connection with the practice of chiropractic provided that:

(1) The use of the trade name is not deceptive or misleading;

(6) The advertisement in which the trade name appears includes the name of the licensed chiropractor or the name of the business entity providing the chiropractic services being advertised as long as the advertisement includes the name of a licensed chiropractor;

(7) The name of the licensed chiropractor providing chiropractic services
appears on the billing invoices, stationery, and on any receipt given to a patient;

(8) Treatment records are maintained that clearly identify the licensed chiropractor who has performed the chiropractic service for the patient; and

(9) The use of a trade name is preapproved by the Board before use.

The Board finds that Respondent is in violation of its advertising regulations, COMAR, § 10.43.03:

.02 Qualifications.

B. In an advertisement, a chiropractor may state the name of the chiropractor's specialty only if that specialty is approved by the Board.

.03 Prohibitions.

An advertisement may not contain statements that:

A. Contain a misrepresentation of facts or do not reasonably identify the practice as chiropractic;

B. Are likely to mislead or deceive because in context the statement makes only a partial disclosure of relevant facts;

F. Contain representations or implications that in reasonable probability can be expected to cause an ordinary prudent person to misunderstand or to be deceived;

The Board further charges Respondent with violating its regulations regarding assistants, COMAR 10.43.07 (June 9, 2003):

.10 Chiropractic Applicant or Assistant Prohibited Acts.

A chiropractic applicant or assistant may not engage in any of the following activities:

A. Communicate an evaluation or diagnosis to a patient or third parties;

B. Perform an act requiring the professional skill or judgment of a licensed chiropractor;

The Board finds that Respondent is in violation of its Code of Ethics regulations, COMAR § 10. 43.14 (January 9, 2007):

.03 Standards of Practice

(8) Cooperate with any lawful investigation conducted by the Board, including:

(a) Furnishing information requested;

(b) Complying with a subpoena;

.04 Relationship with Patient.

A. A chiropractor shall:

(7) Make referrals only to other qualified and duly licensed health care providers;

(11) Ensure clear and concise professional communications with patients regarding:

(f) Costs;

(g) Billing; and

(h) Insurance; and

(12) Administer fair and equitable fees to patients regardless of status or insurance.

B. A chiropractor may not:

(4) Exploit the professional relationship by:

(b) Charging for a service:

(iii) Not provided; or

Different from those actually provided.

.08 Advertising.

A. A chiropractor may advertise services subject to COMAR 10.43.03.

SANCTION

Respondent is an experienced chiropractor. Respondent's lack of knowledge of the Board's statute and regulations is troubling to the Board. The Board finds that Respondent violated at least eight different provisions of the practice act and even more provisions of its regulations. Respondent's behavior does not meet the standards that the public is entitled to expect from a licensed professional.

Respondent's actions during the course of the investigation also are unimpressive to the Board, to say the least. The Board expects, and the regulations require, that licensees will fully cooperate with the Board investigator. The Board never received the records it requested from Dr. Erle.

In light of Respondent's misconduct and his, the Board shall impose a public suspension of his license for six months, probation for two years, a fine of $5,000.00, successful completion of an educational course in ethics, an educational course in record keeping, record review and a passing grade on the Board's Supervising Chiropractor and Jurisprudence Examinations. These fines were determined in accordance with COMAR 10.43.10.05.. The Board finds that Respondent actions were willful and made in effort to generate revenue. The Board finds that absent completion of an ethics course and the Jurisprudence Examination, Respondent is likely to engage again in similar unprofessional conduct to the detriment of the health of his patients. As the Board's sanctions act as a "catharsis for the profession and a prophylactic for the public," (*McDonnell v. Comm'n on Medical Discipline*, 301 Md. 426, 436 (1984)), it is imperative that chiropractors understand that serious misconduct has ramifications beyond a mere reprimand and is likely to have some effect on one's practice.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 15th day of December, 2009, by a majority of the full authorized membership of the Board, hereby

ORDERED that Respondent, Stephen Erle, D.C.'s license is SUPSPENED FOR (6) SIX MONTHS; and it is further

ORDERED that Respondent's license shall be placed on PROBATION for TWO (2) YEARS, effective immediately; and it is further

ORDERED that, within SIX (6) months of the effective date of this Final Decision and Order, Respondent shall pay a fine to the Board in the amount of $5,000.00, which shall be paid to the General Fund of the State of Maryland; and it is further

ORDERED that, within SIX (6) months of the effective date of this Final Decision and Order, Respondent shall reimburse to the Board the the Hearing transcript costs of $ 1,698.50; and it is further

ORDERED that Respondent shall enroll in Board pre-approved, individual, courses/tutorials, with the following conditions:

1. Respondent shall first obtain authorization to commence a selected tutorial/course; once approved, Respondent shall notify the Board in writing that he enrolled in the Board pre-approved, individual, tutorials/courses as follows:

   - A comprehensive individual tutorial/course in professional chiropractic and healthcare practitioner ethics; Respondent shall bear all costs and fees associated with this requirement by paying all required costs and

fees to the tutorial/course provider in a timely manner as directed by the course provider;

- A tutorial/course on all aspects of chiropractor and healthcare practitioner record keeping; Respondent shall bear all costs and fees associated with this requirement by paying all required costs and fees to the provider in a timely manner as directed by the tutorial/course provider;

2. Respondent shall ensure that the course instructors and tutors in the aforementioned tutorials/courses submit to the Board an assessment at the completion of the educational tutorial, which includes a report of attendance, participation and completion of assignments, including a copy of any essay or other written assignment that Respondent is required to write;

3. Respondent shall successfully complete the aforementioned tutorial/courses within the 2-year probationary period; and it is further

ORDERED Respondent's records shall be reviewed by a Board selected reviewer, at least two times annually during the period of probation; and it is further

ORDERED that Respondent shall take and pass the Board's Supervising Chiropractor Examination within 1 (one) year of the date of this Final Decision and Order, paying all required fees; and it is further

ORDERED that Respondent shall take and pass the Board's Disciplinary Jurisprudence Examination within 1 (one) year of the date of this Final Decision and Order, paying all required fees; and it is further

ORDERED that there shall be no automatic termination of probation after two (2) years, and Respondent must petition the Board for termination of probation and full

reinstatement of his license without restrictions or conditions. If Respondent has satisfactorily complied with all conditions of probation, and there are no outstanding complaints or other disciplinary action pending against Respondent, the Board shall terminate probation. If Respondent fails to make any such petition, then the probationary status shall continue indefinitely, subject to the terms and conditions set forth in this Final Decision and Order; and it is further

ORDERED that this Final Decision and Order shall be effective from the date it is signed by the Board; and it is further

ORDERED that Respondent's failure to fully comply with the terms and conditions of this Final Decision and Order shall be deemed a violation of probation and of this Final Decision and Order, and that upon such violation the Board may impose any discipline which it might have imposed for Respondent's actions in this case; and it is further

ORDERED that the burden of proof shall be on Respondent to demonstrate compliance with this Final Decision and Order and the terms and conditions of probation; and it is further

ORDERED that Respondent shall abide by the laws and regulations regarding the practice of chiropractic. Failure to do so shall constitute a violation of probation and of this Final Decision and Order; and it is further

ORDERED that any violation of this Final Decision and Order by Respondent shall constitute unprofessional conduct; and it is further

ORDERED that Respondent shall pay all costs associated with carrying out the provisions of this Final Decision and Order; and it is further

ORDERED that, within six (6) months of the date of this Final Decision and Order, pursuant to H.O. §3-315 (g), Respondent shall reimburse the Board for the costs incurred by the Board for court reporting services and for all hearing costs incurred by the Board, in the amount of $1,698.50, as a result of this hearing; and it is further

ORDERED that this is a Final Order of the Maryland State Board of Chiropractic Examiners and, as such, is a PUBLIC DOCUMENT and is reportable to any entity to which the Board is obligated by law to report, and is disclosable under the Maryland Public Information Act, Maryland State Gov't Code Ann. §§10-611 *et seq.*

Kay B. O'Hara, D.C.
President
Maryland State Board of Chiropractic Examiners

NOTICE OF RIGHT TO APPEAL

Pursuant to Maryland Health Occ. Code Ann. § 3-316, you have a right to take a direct judicial appeal. A petition for appeal shall be filed within thirty (30) days from mailing of this Final Decision and Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Maryland State Gov't Code Ann. §§10-201 *et seq.*, and Title 7, Chapter 200 of the Maryland Rules.