

IN THE MATTER OF

HENRY MILLS, D.C.

Respondent

License Number: S01132

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BEFORE THE

STATE BOARD

OF

CHIROPRACTIC EXAMINERS

VIOLATION OF INTERIM ORDER/REIMPOSITION OF SUMMARY SUSPENSION

Pursuant to the terms of the Interim Order of Reinstatement Pending Final Decision and Order, issued November 15, 1999, the State Board of Chiropractic Examiners (the "Board") hereby reimposes the suspension of the license to practice chiropractic issued to Henry Mills, D.C., (the "Respondent"), under the Maryland Chiropractic Act (the "Act"), Title 3, Health Occupations Article (1994). This Order is based on the following findings, which the Board has reason to believe are true:

BACKGROUND AND BASIS FOR REIMPOSING THE SUSPENSION

1. On October 15, 1999, the Board issued a Summary Suspension Order to the Respondent following a Show Cause Conference on October 14, 1999, based on the following information:

A. At all times relevant hereto, the Respondent was licensed to practice chiropractic in Maryland. The Respondent was originally licensed on April 24, 1980, with physical therapy privileges. The Respondent was authorized to act as a supervisor of chiropractic assistants on October 11, 1994. The Respondent last renewed his license on July 27, 1999. The Respondent's license expires on August 31, 2001.

B. At all times relevant hereto, the Respondent practiced chiropractic at a clinic he owned in Bowie, Maryland.

C. On or about May 12, 1997, the Respondent reported himself to the Chiropractic Rehabilitation Committee (the Committee), on the advice of a psychologist at the Anne Arundel Medical Center. The Respondent had been treated by Ralph D. Raphael, Ph.D., for reported progressive use of narcotics, after initial use for pain relief in 1994. On June 2, 1997, the Respondent had signed a Participation Agreement with the Committee. One of the conditions of the Agreement was that the Respondent would notify the Committee within three days if he were prescribed any medication. Another condition of the Agreement was that his therapist was to submit monthly reports to the Committee, indicating that he was in compliance with the treatment program and remaining drug and alcohol free. A further condition of the Agreement was that the Respondent was to arrange for random urine screens in accordance with his treatment program.

D. On or about June 4, 1998, the Board received a complaint from a patient of the Respondent, who stated that when the patient went in on May 1, 1998 for an appointment with the Respondent, the Respondent was withdrawn and noticeably different. The complainant further stated that when the Respondent put his hands on her neck, he did nothing and his touch was peculiar and different. The Complainant further informed the Board that the Respondent fumbled with the hot packs he was attempting to apply and, at one point, his eyes rolled back in his head. The Complainant informed the Board that because she believed that the Respondent was under the influence of drugs, she refused his treatment and left. The Respondent told the Board investigator that he had the flu that

day, and after the patient refused treatment, he closed his office and went home. As a result of this complaint, the Board referred the Respondent to the Committee, not knowing that the Respondent was already a participant in the Committee's program.

E. Between August 18, 1997 and June 18, 1998, the Respondent submitted to random, supervised urinalysis, on 17 occasions. All, but the last, showed positive results for Valium or Darvon. The Respondent alleged that he was not taking those drugs and that the positive tests resulted from the medication that he was over-prescribed and/or erroneously prescribed by his physician.

F. On October 16, 1998, the Committee wrote the Board, indicating that though the Respondent agreed, since August 13, 1997, to maintain contact with the Committee and have regular reports sent, his compliance had been inconsistent and the Committee had received no reports from the therapists or drug screening. The Committee informed the Board that it had also directed the Respondent to seek a different therapist since the therapist he had been seeing relocated to Atlanta.

G. On or about September 10, 1998, the Respondent took medical/disability leave from his practice, as a result of three surgeries he underwent. The Respondent returned to his practice on or about April 5, 1999, an absence of about seven months.

H. On or about August 9, 1999, the Board received a letter of complaint from an anonymous patient of the Respondent, complaining that the Respondent always looked red and dazed and that when he spoke, he would doze off in mid-sentence and lose track of what he was saying. The Complainant was concerned about the treatment that he/she had received.

I. As a result of this second complaint, the Board began an investigation into the Respondent's practice and ability to function. The investigation disclosed two employees, one who had been the Respondent's receptionist from July 1998 to July 1999, and one who had been the Respondent's Chiropractic Assistant, since 1993, had both quit working for the Respondent because they felt that he was too ill to see patients. These former employees further informed the Board's investigator that since May 1999, the Respondent appeared drowsy and had to be awakened between patients and that his condition got increasingly worse. The former employees further informed the Board's investigator that, when they confronted the Respondent about his condition and told him that they were not comfortable bringing patients back to him in his condition, the Respondent told them to leave their resignations on his desk, which they did. The Respondent acknowledges that he displayed the symptoms described by the former employees, but ascribes them to the overprescribing and/or erroneous prescription practices of his physician.

J. On or about August 28, 1999, the Committee notified the Board advising it that he had not received any correspondence from the Respondent in several months and that the Respondent was non-compliant with the Agreement he had signed regarding his treatment. The Respondent informed the Board's investigator that he has not had a therapist since his September 1998 hospitalization. In addition, the Respondent has not submitted urinalysis reports or therapist reports to the Committee, in violation of his Agreement. Furthermore, the Respondent failed to keep in contact with the Committee, pursuant to his agreement with the Committee. The investigation revealed, however, that

either three Narcotics Anonymous (NA) meetings a week or two NA meetings a week and one group therapy meeting a week; the Respondent shall choose an outpatient facility/individual from a list prepared by the Board to undergo clinical counseling at a frequency to be determined by that facility/individual; that facility agrees to submit in writing, and the Respondent shall assure that, reports to the Board every two weeks regarding the Respondent's progress/status in therapy; the reports shall include documentation of the Respondent's attendance/participation in/at the aforementioned urinalyses, with the results thereof, as well as in the NA/group therapy meetings.

3. The Interim Order also stated that if the Respondent violates any of the terms and conditions thereof, the Respondent's license would be immediately suspended, subject to a subsequent hearing. A copy of the Interim Order is attached hereto and made a part hereof as Exhibit 1.

4. On November 15, 1999, the Board notified the Respondent of three outpatient drug facilities that he could choose from, pursuant to the Interim Order. The Respondent chose the Kolmac Clinic. The Respondent was evaluated by George Kolodner, M.D., who opined that the Respondent did not need to go to group therapy meetings, but only to the three N.A. meetings ordered by the Board.²

² On December 2, 1999, a Case Resolution Conference was held. In attendance were Paul Goszkowski, D.C., President of the Board; Kitty Travagline, Board Administrator; and Andrea Brisbin, Counsel to the Board. Also in attendance were the Respondent and his attorney, and the Administrative Prosecutor, Roberta L. Gill. The CRC panel received a letter from Dr. Kolodner, which suggested that Dr. Kolodner had not been given all of the documents which the Board had ordered the Respondent to give to him. Therefore, the Board was unsure of whether the opinion expressed by Dr. Kolodner, regarding the need for further drug treatment, was based upon sufficient information.

5. Despite the Interim Order's mandate to submit to twice weekly urinalyses, and despite the Interim Order's mandate to attend NA meetings, and despite the Interim Order's mandate to have the outpatient facility/counselor report to the Board every two weeks, the Respondent has failed to: submit a report from his outpatient counselor during the week of December 6, 1999; to document twice weekly urinalyses since November 29, 1999; and, to document attendance at thrice weekly NA meetings, since November 15, 1999.

FINDINGS

Based upon the Respondent's non-compliance with the reporting requirements of the Interim Order and with the drug treatment program detailed in that Order, the Respondent is in violation of that Order.

ORDER

Based on the foregoing, it is therefore this _____ day of _____, 1999, by a unanimous vote of a quorum of the State Board of Chiropractic Examiners that Respondent's license to practice chiropractic (License Number S01132), be and is hereby **SUSPENDED**, and be it further

ORDERED, that upon the Board's receipt of a written request from the Respondent for a hearing, a hearing shall be scheduled within thirty days of said request, at which the Respondent will be given an opportunity to be heard on the issues limited to those raised

After the Case Resolution Conference, the Board sent Dr. Kolodner other documents, requesting that, after he reviewed all of the information pertinent to the Respondent's case, that he send to the Board a second opinion regarding the desired course of treatment for Respondent.

in this Order, that is, regarding the Respondent's compliance/non-compliance with the Interim Order, dated November 15, 1999; and, be it further

ORDERED, that the Respondent shall immediately turn over to the Board his wall certificate and wallet-sized license to practice chiropractic issued by the Board; and be it further

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

Paul Goszkowski, D.C., Chair
Board of Chiropractic Examiners

NOTICE OF HEARING

A full evidentiary hearing will be held before the Board, 4201 Patterson Avenue, Baltimore, Maryland 21215, on the merits of the Board's Reimposition of the Summary Suspension within 30 days of a written request for a hearing by the Respondent.

C:\OFFICE\WPWIN\WPDOCS\RLG\Mills order for reimposition of ss.wpd

IN THE MATTER OF
HENRY MILLS, D.C.
LICENSE NO. S01132
Respondent

* BEFORE THE
* STATE
* BOARD OF CHIROPRACTIC
* EXAMINERS

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Chiropractic Examiners (the "Board") and subject to State Government Article, Md. Ann. Code, §226(c), and, following a Summary Suspension Show Cause conference on October 14, 1999, the Respondent's license was summarily suspended, effective October 15, 1999, due to the Board's concern that his chiropractic practice constituted a public health, welfare or safety threat. The Board took this action despite the Respondent's claim that he was and had been drug-free since 1994 and despite the urine test which he presented, which confirmed that he was drug-free at that time. No testimony was taken at that time, nor were any documents allowed to be submitted.

A hearing on the merits of the Summary Suspension was held on November 11, 1999, before a quorum of the Board, at which several witnesses testified, including former employees and a patient, and Patrick J. Sheehan, M.D., who evaluated the Respondent at the Respondent's request. The Respondent was present at all times and was represented by his attorney, Stephen A. Friedman; the State was represented by Roberta Gill, Assistant Attorney General, Administrative Prosecutor.¹ Following the presentation

¹James Anagnos, Staff Attorney, was present, for observational purposes.

of the State's case and the presentation of Dr. Sheehan, it became clear that the symptoms reported during the summer of 1999 were the result of a drug reaction caused by prescriptions given to the Respondent by his personal physician, which combination and dosage amounts could have been fatal. The drugs were reduced and/or discontinued by the Respondent's physician, sometime during the late summer of 1999. However, the Respondent had not reported the use of Methadone to the Rehabilitation Committee; nor had he adhered to the contract he had signed with the Rehabilitation Committee.

Accordingly, the Summary Suspension was lifted by the Board and the Respondent's license to practice chiropractic was reinstated, effective November 15, 1999, subject to the following conditions: that until a subsequent Board Order or Consent Order is issued, the Respondent shall: undergo a random, observed urinalysis twice during the week of November 15, 1999, at a place selected by Dr. Sheehan, a specialist in substance addictions, with those results submitted to the Board during the week of November 22, 1999; thereafter, the Respondent shall undergo two random, observed urinalyses a week, coordinated by the Respondent's outpatient facility/individual; the Respondent shall attend either three Narcotics Anonymous (NA) meetings a week or two NA meetings a week and one group therapy meeting a week; the Respondent shall choose an outpatient facility/individual from a list prepared by the Board to undergo clinical counseling at a frequency to be determined by that facility/individual; that facility agrees to submit in writing, and the Respondent shall assure that, reports to the Board every two weeks regarding the Respondent's progress/status in therapy; the reports shall include

documentation of the Respondent's attendance/participation in/at the aforementioned urinalyses, with the results thereof, as well as in the NA/group therapy meetings.

In addition, based on the same concerns underlying the Summary Suspension Order, on October 15, 1999, and, pursuant to Health Occupations Article, Title 3, Annotated Code of Maryland (the "Act"), the Board charged Henry Mills, D.C. (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of §3-313 and 3-314:

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, of suspend or revoke a license, or impose a monetary penalty if the applicant or licensee:

- (6) Provides professional services while:
 - (ii) Using any narcotic or controlled dangerous substance, as defined in Article 27 of the Code, or other drug that is in excess of therapeutic amounts or without valid medical indication;
- (9) Is professionally, physically, or mentally incompetent;
- (21) Commits an act of unprofessional conduct in the practice of chiropractic; or
- (27) Is physically or mentally impaired to the extent that it impairs the applicant's or licensee's ability to practice safely.

Accordingly, a Case Resolution Conference was held on December 2, 1999 and was attended by Paul Goszkowski, D.C., President of the Board, Kitty Travagline, Board Administrator, and Andrea Brisbin, Counsel to the Board. Also in attendance were the Respondent and his attorney, and the Administrative Prosecutor, Roberta L. Gill.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was licensed by the Board to practice chiropractic in the State of Maryland. The Respondent was originally licensed on April 24, 1980, with physical therapy privileges. The Respondent was authorized to act as a supervisor of chiropractic assistants on October 11, 1994. The Respondent last renewed his license on July 27, 1999. The Respondent's license expires on August 31, 2001.

2. At all times relevant hereto, the Respondent practiced chiropractic at a clinic he owned in Bowie, Maryland.

3. On or about May 12, 1997, the Respondent reported himself to the Chiropractic Rehabilitation Committee ("Rehab Committee" or "Committee"), on the advice of a psychologist at the Anne Arundel Medical Center. The Respondent had been treated by Ralph D. Raphael, Ph.D., for reported progressive use of narcotics, after initial use for pain relief in 1994. On June 2, 1997, the Respondent had signed a Participation Agreement with the Rehab Committee. One of the conditions of the Agreement was that the Respondent would notify the Committee within three days if he were prescribed any medication in addition to the list of prescription drugs that the Respondent was taking at that time. Another condition of the Agreement was that his therapist was to submit monthly reports to the Committee, indicating that he was in compliance with the treatment program

and remaining drug free. A further condition of the Agreement was that the Respondent was to arrange for random urine screens in accordance with his treatment program.

4. On or about June 4, 1998, the Board received a complaint from a patient of the Respondent, who stated that when the patient went in on May 1, 1998 for an appointment with the Respondent, the Respondent was withdrawn and noticeably different. The complainant further stated that when the Respondent put his hands on her neck, he did nothing and his touch was peculiar and different. The Complainant further informed the Board that the Respondent fumbled with the hot packs he was attempting to apply and, at one point, his eyes rolled back in his head. The Complainant informed the Board that because she believed that the Respondent was under the influence of drugs, she refused his treatment and left. The Respondent told the Board investigator that he had the flu that day, and after the patient refused treatment, he closed his office and went home. As a result of this complaint, the Board referred the Respondent to the Committee, not knowing that the Respondent was already a participant in the Committee's program.

5. Between August 18, 1997 and June 18, 1998, the Respondent submitted to random, supervised urinalysis, on 17 occasions. All, but the last, showed positive results for Valium or Darvon. The Respondent alleged that he was not taking those drugs and that the positive tests resulted from the medication that he was over prescribed and/or erroneously prescribed by his physician.

6. On October 16, 1998, the Committee wrote the Board, indicating that though the Respondent agreed, since August 13, 1997, to maintain contact with the Committee and have regular reports sent, his compliance had been inconsistent and the Committee

had received no reports from the therapists or drug screening. The Committee informed the Board that it had also directed the Respondent to seek a different therapist since the therapist he had been seeing relocated to Atlanta.

7. On or about September 10, 1998, the Respondent took medical/disability leave from his practice, as a result of three surgeries he underwent. The Respondent returned to his practice on or about April 5, 1999, an absence of about seven months.

8. On or about August 9, 1999, the Board received a letter of complaint from an anonymous patient of the Respondent, complaining that the Respondent always looked red and dazed and that when he spoke, he would doze off in mid-sentence and lose track of what he was saying. The Complainant was concerned about the treatment that he/she had received.

9. As a result of this second complaint, the Board began an investigation into the Respondent's practice and ability to function. The investigation disclosed two employees, one who had been the Respondent's receptionist from July 1998 to July 1999, and one who had been the Respondent's Chiropractic Assistant, since 1993, had both quit working for the Respondent because they felt that he was too ill to see patients. These former employees further informed the Board's investigator that since May 1999, the Respondent appeared drowsy and had to be awakened between patients and that his condition got increasingly worse. The former employees further informed the Board's investigator that, when they confronted the Respondent about his condition and told him that they were not comfortable bringing patients back to him in his condition, the Respondent told them to leave their resignations on his desk, which they did. The

Respondent acknowledges that he displayed the symptoms described by the former employees, but ascribes them to the overprescribing and/or erroneous prescription practices of his physician.

10. On or about August 28, 1999, the Committee notified the Board advising it that he had not received any correspondence from the Respondent in several months and that the Respondent was non-compliant with the Agreement he had signed regarding his treatment. The Respondent informed the Board's investigator that he has not had a therapist since his September 1998 hospitalization. In addition, the Respondent has not submitted urinalysis reports or therapist reports to the Committee, in violation of his Agreement. Furthermore, the Respondent failed to keep in contact with the Committee, pursuant to his agreement with the Committee. The investigation revealed, however, that by the end of the summer when the Respondent was interviewed and observed by the Investigator, he was alert, oriented, and did not appear to be under the influence of medication, all of which was subsequently confirmed by patients interviewed by the Investigator as they left the Respondent's office.

11. Based on the above, on October 15, 1999, the Board issued a Summary Suspension Order to the Respondent following a Show Cause Conference on October 14, 1999.

12. On November 11, 1999, following a merits hearing on the Summary Suspension, the Board agreed to lift the Suspension and allow the Respondent to return to practice subject to certain conditions.

13. On November 15, 1999, the Board issued an Interim Order of Reinstatement Pending Final Decision and Order ("Interim Order"), which set forth the conditions Respondent was required to comply with in order to maintain his reinstated license. The conditions were set forth as follows:

ORDERED, that Respondent's license to practice chiropractic with the right to practice physical therapy is REINSTATED, subject to the following conditions:

- (1) That between November 15, 1999 and November 22, 1999, Respondent shall submit to two observed urinalyses, at times and places designated by Patrick J. Sheehan, M.D., and that Dr. Sheehan shall submit the documented results of the urinalyses directly to the Board no later than November 26, 1999;
- (2) That beginning November 22, 1999, Respondent shall submit to two observed urinalyses per week at times and places designated by the outpatient treatment facility described in Paragraph (5) below;
- (3) That Respondent shall attend:
 - (a) two Narcotics Anonymous (NA) meetings and one group therapy meeting per week; or
 - (b) three NA meetings per week;
- (4) That the results of Respondent's urinalyses may only test positive for Methadone;
- (5) That no later than November 22, 1999, Respondent shall have arranged for an initial evaluation and for participation in an outpatient substance abuse treatment program at a facility selected by Respondent from a list provided by the Board (hereinafter "facility"), and that:
 - (a) Respondent shall present copies of the October 14, 1999 Summary Suspension Order and of this Order to the facility;
 - (b) the facility shall submit a report directly to the Board every two weeks, indicating:
 - (i) the results of each urinalyses conducted since the last report;
 - (ii) Respondent's compliance with the requirement to attend NA and/or group therapy meetings; and

(iii) Respondent's treatment progress; and

(c) the facility shall notify the Board immediately upon the first failed urinalysis; and

(6) That Respondent shall provide authorization for the release of information by the outpatient treatment facility to the Board[.]

14. The Interim Order provided that if the Respondent violated any terms of the Order, the Board shall immediately suspend his license pending resolution of the October 15, 1999 charges issued to Respondent. On November 15, 1999, the Board sent to Respondent the Interim Order and a list of three outpatient facilities from which Respondent would choose. The list included the Kolmac Clinic, located in Silver Spring, Maryland.

15. On November 24, 1999, Counsel for the Board sent a letter to Respondent's counsel advising him that, to date, the Board had not received notification of Respondent's compliance with Paragraphs (4), (5), and (5)(a) of the Interim Order, and requested written verification of Respondent's compliance to date, and other documentation, by November 30, 1999. With the exception of documentation verifying Respondent's compliance with Paragraphs (5) and (5)(a), Respondent substantially satisfied the Board's request for information by November 30, 1999.

16. On November 29, 1999, the Board received a report from George Kolodner, M.D., of the Kolmac Clinic, which indicated that Respondent was evaluated by the clinic on November 22, 1999. As a result of this evaluation, Dr. Kolodner recommended that Respondent not participate in an outpatient treatment program, but rather attend NA meetings, submit to random urine screens, and be regularly monitored by a certified

addiction physician. Dr. Kolodner's report suggested that he had not been provided the documentation that Respondent was required to disclose pursuant to Paragraph (5)(a) of the Interim Order, and therefore, the Board was uncertain whether Dr. Kolodner's opinion was based on sufficient information. As a result, on December 6, 1999, the Board forwarded a packet of documents to Dr. Kolodner, consisting of documents introduced during the November 11, 1999 Summary Suspension hearing, for his review. The Board requested Dr. Kolodner to report to the Board whether, based on the forwarded documents, his opinion and/or recommendation would change.

17. On December 9, 1999, the Board reviewed the status of Respondent's compliance with the Interim Order. The Board noted that it had not received the results of the urinalyses that Respondent was required to submit to during the weeks of November 22 and 29, 1999, nor had it received documentation of Respondent's attendance at NA meetings and/or group therapy sessions. As a result, pursuant to the Interim Order's provisions, the Board voted to issue a second summary suspension of Respondent's license for violation of the Interim Order.

18. On December 15, 1999, immediately prior to the Board's issuance of a second summary suspension order, the Board received by facsimile a letter from Respondent's counsel and documentation of the results of Respondent's urinalyses, and his attendance at NA meetings, during the weeks of November 22 and 29, 1999. The letter from Respondent's counsel claimed that because Dr. Kolodner had recommended that Respondent not obtain treatment from an outpatient treatment facility, there was no mechanism by which the urinalyses results and NA meeting attendance could be

forwarded to the Board pursuant to the Interim Order. The reports indicated a positive for benzodiazepines and Diazepam (Valium), but were being re-tested for false positives.

19. On December 16, 1999, the Board received Dr. Kolodner's second report, which was consistent with his initial recommendation. Dr. Kolodner stated that "treatment in one of the Kolmac Clinic groups would not be indicated at this time, and that monitoring by a physician with addiction expertise, along with participation in twelve-step groups would be more appropriate."

20. On December 17, 1999, the Board met by conference call and voted to offer the terms of this Consent Order in lieu of issuing a second summary suspension and to resolve all pending charges against Respondent.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds that Respondent violated H.O. §§3-313(6)(ii) and (27), as a result of ingestion of prescription medications overprescribed and/or erroneously prescribed by Respondent's physician, and based on Respondent's failure to cease treating patients until he could rectify his condition such that he could treat patients safely. In addition, the Board finds that Respondent violated Paragraphs (4) and (5) of the Interim Order by failing to ensure that the Board received reports pursuant to those provisions until the Board decided to take action for violation of the Interim Order. The Board makes no findings with regard to H.O. §§3-313(9) and (21).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 23rd day of March, 2000, by a majority of a quorum of the Board,

ORDERED that the Respondent be placed on PROBATION for five (5) years, subject to the following conditions:

- (1) The Respondent shall attend three (3) NA meetings per week, or attend two (2) NA meetings per week and one group therapy meeting, and provide documentation of such to the counselor described in Paragraph 2 below;
- (2) Respondent shall attend psychotherapy with a physician with addiction expertise ("counselor") selected by the Board at a frequency determined by that counselor. The Board will select a physician in Maryland recommended by Dr. Kolodner of the Kolmac Clinic, to which the Board referred the Respondent. If the counselor moves out of Maryland or becomes unable for any reason to continue to provide counseling to Respondent, the Respondent shall immediately notify the Board and obtain the designation of another counselor by the Board. The counselor agrees, and the Respondent shall assure, that:
 - (a) the counselor shall submit a written report to the Board on the Respondent's attendance and progress at psychotherapy on a monthly basis for the first year of Probation, and thereafter, on a quarterly basis;

- (b) the reports shall document the Respondent's attendance at NA/group therapy meetings;
 - (c) the counselor shall immediately notify the Board if the Respondent's mental or physical health is such that his safe practice of chiropractic is impaired; and
 - (d) neither the Respondent nor any representative of the Respondent may review or have access to these reports prior to the receipt of same by the Board. In addition, no representative of the Respondent may have any contact, written or verbal, with the counselor, unless prior written approval is obtained from the Board;
- (3) The Respondent shall submit to two observed urinalyses per week, at a time and place designated by the counselor, unless waived by the counselor in writing and submitted to the Board. The counselor shall order the urinalyses from a laboratory selected by the Board. The laboratory agrees, and the Respondent shall assure, that:
- (a) the documented results of the urinalyses shall be forwarded directly to the Board; and
 - (b) neither the Respondent nor any representative of the Respondent may review or have access to the laboratory results prior to the receipt of same by the Board. In addition, no representative of the Respondent, other than the counselor, may have any contact, written or verbal, with the laboratory, unless prior written approval is obtained

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from the Board. The Board shall notify the Respondent promptly if it does not receive the results and permit the Respondent to contact the laboratory to determine the source of the delay and to communicate with the Board regarding same;

(4) To effectuate the Respondent's responsibility hereunder of assuring that the aforesaid reports are received by the Board in a timely fashion, the Respondent shall supply the Board with self-addressed envelopes, postage-prepaid, so that after the Board receives the reports, the Respondent may be sent a copy of same. If, the Respondent fails to receive a report from the Board in a timely manner, he may call the Board to determine the reason the report was not received, and, only if the Respondent was informed that the Board had not received the report(s) yet, may the Respondent contact the reporting agency/individual to ascertain the reason for the delay in the report to the Board and to urge the sending to the Board of said report(s). The Board agrees to send the reports it receives hereunder to the Respondent in a timely manner; and be it further


ORDERED that the Respondent shall pay a FINE in the amount of \$5,000.00 in five (5) equal \$1,000.00 installments every six months. The first installment shall be paid within six (6) months of the effective date of this Consent Order, the second installment within twelve (12) months of the effective date of this Consent Order, etc.; and be it further

ORDERED that the Respondent shall be responsible for all costs of counseling and testing associated with the implementation of this Order; and be it further


ORDERED that this Order is effective as of the date of its signing by the Board; and
be it further

ORDERED that should the Board receive a report that the Respondent's practice is a threat to the public health, welfare, and safety, or that the Respondent has tested positive for any drug not prescribed by a competent physician after verification by a GC/MS test, or that the Respondent is exhibiting the same type of conduct that led to his Summary Suspension, THE BOARD MAY TAKE IMMEDIATE ACTION AGAINST THE RESPONDENT, INCLUDING SUSPENSION OR REVOCATION, WITH NOTICE AND AN OPPORTUNITY TO BE HEARD TO BE PROVIDED TO THE RESPONDENT IN A REASONABLE TIME THEREAFTER. Should the Board receive in good faith information that the Respondent has substantially violated the Act or if the Respondent violates any conditions of this Order or of Probation, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order or of Probation shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it further

ORDERED that for purposes of public disclosure, this Order is PUBLIC and is disclosable pursuant to Md. Code Ann., State Gov't §10-617(h)(vi).

 3/23/00
Paul H. Goszkowski, D.C., President
State Board of Chiropractic Examiners

I CONSENT:


Henry Mills, D.C.

CONSENT OF HENRY MILLS, D.C.

I, Henry Mills, by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Stephen A. Friedman, 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 §10-201 et seq. of the Administrative Procedure Act (APA), State Government Article, Annotated Code of Maryland;
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 its Act. Even though I would challenge some of the Board's Findings and Conclusions if there were a hearing, in interest of settling the matter herein, 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 in §3-316 of the Act and §10-201 et seq. of the APA. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice chiropractic in the State of Maryland.

3/22/00
Date

Henry Mills D.C.
Henry Mills, D.C.

STATE OF MARYLAND

~~CITY~~/COUNTY OF Anne Arundel :

I HEREBY CERTIFY that on this 27th day of March, 2000, a Notary Public of the State of Maryland and (City/County), Anne Arundel, personally appeared Henry Mills, License No. S01132, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Joann M. Woodward
Notary Public

JOANN M. WOODWARD
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires October 1, 2001

My Commission Expires: 10-1-01

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