

IN THE MATTER OF
CHYRISSE WILKINS, D.C.

Respondent

License Number: S01675

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BEFORE THE STATE

BOARD OF CHIROPRACTIC AND

MASSAGE THERAPY EXAMINERS

Case Number: 15-72C

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FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Chiropractic and Massage Therapy Examiners (the "Board"), and subject to Md. Health Occ. Ann. §§ 3-101, *et seq.* (2014 Repl. Vol. on July 14, 2016, the Board issued Charges against the chiropractic license of **CHYRISSE WILKINS, D.C.** (the "Respondent"), On September 8, 2016, a Case Resolution Conference was held with the Respondent, who was represented by Counsel, a member of the Board, Board Staff, along with Board Counsel, and the Administrative Prosecutor in order to determine whether the matter could be resolved. As a result, the following settlement was reached.

Specifically, the Board charged the Respondent with violating the following provisions of § 3-313:

Subject to the hearing provisions of § 3-315 of this subtitle, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, with or without conditions, or suspend or revoke a license, or any combination thereof, if the applicant or licensee:

- (18) Practices chiropractic with an unauthorized person or supervises or aids an unauthorized person in the practice of chiropractic;
- (19) Violates any rule or regulations adopted by the Board;
- (21) Commits an act of unprofessional conduct in the practice of chiropractic; and

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The Board also charges the Respondent with a violation of the following section of the Act:

§ 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 further charges the Respondent with a violation of its regulations regarding Supervising Chiropractors, Code Md. Regs. ("COMAR") tit.10 §.43.07 which states, as follows:

.03 Responsibilities of the Supervising Chiropractor.

The supervising chiropractor shall:

- A. Submit:
 - (1) The required Board Request to Employ form before undertaking any hands on training or coursework with any chiropractic assistant applicant; and
 - (2) All other Board-required reports and forms in a timely manner as determined by the Board.
- B. Notify the Board and course instructor or instructors of any change in status of any chiropractic applicant or assistant within 10 days of the change, including:
 - (1) Reasons for the change in status;
- C. Maintain accurate, legible, and comprehensive records of all clinical training provided to the chiropractic applicant or assistant, including, but not limited to:
 - (1) Dates and times and duration of training as described in Regulation .05 of this chapter;

- (2) Modalities;
 - (3) Equipment used; and
 - (4) Any other information as directed by the Board;
- E. Promptly;
 - F. Maintain competency in knowledge of applicable laws and regulations and successfully complete any jurisprudence requirements that may be directed by the Board;
 - G. Ensure that all patient records accurately and legibly reflect the extent and degree of the involvement or assistance of the chiropractic applicant or assistant;
 - I. Be fully responsible for the safe and competent performance of the chiropractic applicant or assistant at all times [;].

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was licensed to practice chiropractic in the State of Maryland. The Respondent was originally licensed to practice chiropractic in the State of Maryland on June 10, 1994. The Respondent's license expires on September 1, 2017.

2. At all times relevant hereto, the Respondent practiced in a private office setting in Prince George's County, Maryland.

3. By a letter dated July 7, 2015, the Board received a notice from the Respondent advising that Individual A¹ was "hired in our office on July 6, 2015. She currently holds a license from Florida. Which (*sic*) is enclosed. She worked for a Chiropractor in Florida. We are requesting reciprocity for Maryland at this time. If there are any other obligations that need to be met, please inform (*sic*) of any requirements."

¹ The names of the individuals herein are confidential.

4. Board staff determined that Individual A did not, in fact, hold a chiropractic assistant ("CA") license in Florida: instead, she had a "personal trainer" certification.

5. Consequently, on September 21, 2015, the Board received a Request from the Respondent to employ/sponsor/train Individual A. The request had not been fully completed and was, therefore, returned to the Respondent. The completed Request was received by the Board on October 7, 2015.

6. On September 23, 2015, Board staff received an email from Individual A which stated that she had been working for the Respondent and that her duties included applying electrical stimulation, ice packs, heat packs, doing ultrasound therapy and taking vitals. At that time, Individual A was neither a CA nor an approved CA trainee and was not permitted to perform any of those duties.

7. On October 5, 2015, the Board's Investigator visited the Respondent's office at 3:05 PM. (The Respondent's office hours on that date were 9AM-12 PM and 3PM-6:30 PM.). When the Board's Investigator entered the office, he observed four patients in the waiting room and observed the receptionist on her phone at her desk in the waiting room: she was later identified as Individual B. The Investigator took a seat in the waiting room and observed the following:

- A. Individual B took a patient to a treatment room;
- B. The Board's Investigator then saw another women arrive at the practice, who was later identified as Individual A, who also took a patient back to a treatment room;

- C. The Board's Investigator then observed Individuals A and B take the remaining two patients back to the treatment rooms;
- D. The Board's Investigator walked over to the hallway outside the treatment rooms and saw Individual A. The investigator identified himself and observed one patient in a treatment room with the door open who had been set up with electrical stimulation therapy on his back. The patient was later identified as Patient A;
- E. The Board's Investigator asked Individual A whether the Respondent was in the office and Individual A stated "no" and that she, the Respondent, would probably be in around "3:30". The Respondent arrived in the office at 3:20;
- F. When the Board's Investigator questioned the Respondent about why her assistants were setting patients up on electrical stimulation therapy without her being in the building, she said that she was "running late;"
- G. When the Board's Investigator asked to see the treatment rooms, the Respondent took him back to the treatment room where the Board's Investigator had observed Patient A; he then observed another patient (Patient B) in another room receiving electrical stimulation. For the other two patients, the Respondent would not open the door wide enough for the Investigator to observe them. When they returned to her office and the Board's Investigator asked the Respondent for

names of the patients. The Respondent provided him with the name of Patient A, but refused to provide him with the other patients' names;

H. When the Board's Investigator inquired who the receptionist was and whether she was a CA or CA trainee, the Respondent provided him with her name and told him she was not a CA. The Board's Investigator then told the Respondent that only CAs or CA trainees could provide PT to patients but neither could provide Physical Therapy (PT) if a Chiropractic Supervisor was not in the building;

8. On October 6, 2015, the day after the visit by the Board's Investigator, Individual A called the Board's investigator to inform him that the Respondent had fired her. When the Board's Investigator asked her who had been assisting the Respondent with physical therapy on her patients. Individual A stated that, in addition to herself and Individual B, Individual C was performing physical therapy on the Respondent's patients. Individual C had been a CA Trainee but was suspended from the program when she failed to submit an application to take the exam on August 26, 2014.

9. On October 20, 2015, the Board's Investigator interviewed the Respondent under oath at the Board's office. The Respondent denied that Individual B set up patients on electrical stimulation or ultrasound, claiming that Individual B just takes patients back and cleans the table.

10. The Respondent admitted during an interview with the Board's Investigator that Individual A started setting patients on ES (electrical stimulation), ice packs, heat pads and ultrasound therapy sometime in August 2015 and was treating 10-13 patients a day.

11. The Respondent further admitted that she does not ensure that all patients' records accurately and legibly reflect the extent and degree of the involvement or assistance of the Chiropractic Applicant or Assistant. The Respondent claimed that she was not aware of that requirement.

12. The Board's Investigator had subpoenaed the records for the four patients who had been treated at the office when he was there that day when the Respondent came in for the interview. The Respondent only brought the SOAP² notes and not the complete file as the subpoena required. The Respondent emailed the records two days later.

13. When the Board's Investigator contacted the patients, one patient recalled receiving electrical stimulation from someone who fit the description of Individual A and another patient stated that Individual B set him up for electrical stimulation a couple of times.

14. As set forth above, by allowing Individuals A, B and C to set her patients up on physical therapy modalities whether she was or was not in the building when neither was an approved CA or a CA Trainee at the time of the Respondent's letter to the Board and thereafter, the Respondent violated § 3-313 (18), (19), (21) and § 3-404 of the Act, and COMAR 10.43.07.03 A. (1) (2), B.(1), C. (1-4), E., F, G and I.

²SOAP stands for: Subjective—how the patient reports his/her symptoms; O the objective findings; A, the assessment made based on the subjective and objective findings; P the (treatment) plan.

15. By failing to appropriately document the extent of the participation of the unauthorized individuals in the provision of PT, the Respondent violated COMAR 10.43.07.03 G.

16. By failing to comply with the Board's subpoena request, the Respondent violated § 3-313 (21) of the Act and COMAR 10.43.14.03.C.(1).

CONCLUSIONS OF LAW

17. Based upon the foregoing Findings of Fact, the Board finds that Respondent violated §§ 3-313 (18), (19), (21) and § 3-404 of the Act and COMAR 10.43.07.03 A. (1) (2), B. (1), C. (1-4), E., F, G and I and COMAR 10.43.14.03.C.(1).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 13th day of October 2016, by a majority of a quorum of the Board,

ORDERED that the Respondent shall be **REPRIMANDED**.

ORDERED that the Respondent shall be placed on PROBATION for Eighteen (18) Months, with the following conditions:

1. The Respondent take and pass, within the first six months of Probation, the Supervising Chiropractor's Examination administered by the Board;
2. The Respondent shall not practice as a Supervising Chiropractor until she passes the Supervising Chiropractor examination, which the

Board will arrange a time for her to take;

3. The Respondent shall take and pass the Ethics and Boundary National examination administered by the National Board of Chiropractic Examiners and document same to the Board;
4. The Respondent shall pay a monetary penalty to the Board of \$2500 by the end of the first year of the probationary period.
5. The Respondent shall bear all monetary costs of complying with the conditions of Probation. The Respondent may petition for termination of probation after the eighteen (18) months of Probation provided that she has fully complied with the terms of the Order and there are no outstanding complaints against her. The Board will not grant early termination of probation; and

A. The Respondent shall bear the costs of compliance with the Order.

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

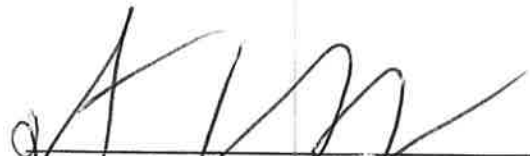
ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice chiropractic in Maryland; and be it further

ORDERED that, should the Board receive information that the Respondent has 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

ORDERED, that for purposes of public disclosure, as permitted by Md. General Provisions. Code Ann. §§ 4-101, *et seq.* (Repl. Vol. 2014), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.



Robert Frieman, D.C., President
State Board of Chiropractic Examiners

CONSENT OF CHYRISSE WILKINS, D.C.

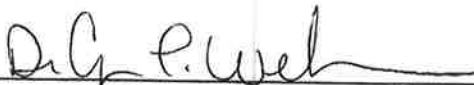
I, Chyrisse Wilkins, D.C., acknowledge that I am represented by counsel, Edwin H. Staples, II, Attorney, and have consulted with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

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

9.26.16

Date


Chyrisse Wilkins, D.C.

STATE OF Maryland :

CITY/COUNTY OF Prince George's :

I HEREBY CERTIFY that on this 26th day of September 2016, before me, Chyrisse Wilkins, a Notary Public of the foregoing State and (City/County),
(Print Name) personally appeared Chyrisse Wilkins, D.C., **License No. S01675** and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.


Notary Public

My Commission Expires: 12-02-2019

