

IN THE MATTER OF

DEBORAH POINDEXTER, C.M.T.

CERTIFICATE NO. M01144

Respondent

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BEFORE THE

STATE BOARD

OF CHIROPRACTIC EXAMINERS

Case Number 03-25-M

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**ORDER OF REVOCATION**

Based on information received and a subsequent investigation by the State Board of Chiropractic Examiners (the "Board"), and subject to Md. Health Occ. Ann. § 3-5A-01, et seq., (the "Act") (2000 Repl. Vol. and 2003 Supp.), the Board charged Deborah Poindexter, C.M.T., (the "Respondent"), with a Violation of Probation based on the Consent Order of February 5, 2004. Specifically, the Board charged the Respondent with violation of the following provision of the Consent Order: that "the Respondent shall be placed on Probation for a period of six months, subject to the following condition: the Respondent shall take and pass the examination given by the Board within sixty (60) days of the effective date of the Consent Order", e.g., by May 5, 2004.

**FINDINGS OF FACT**

1. The Respondent is certified to practice massage therapy in Maryland. The Respondent was first certified on September 22, 2000. The Respondent's certificate expires on October 31, 2004.

2. By letter dated September 17, 2003, the Board charged the Respondent with violations of its Act, which violations fell into two categories: one, the Board determined that, inasmuch as the Respondent had not taken and/or passed the examination that was a prerequisite to certification, her certificate had been issued in error and was, therefore,

void *ab initio*; and, two, that, because the Respondent failed to keep treatment notes, as required, she had violated the Act.

3. The February 5, 2004 Consent Order required that the Respondent take the examination and pass it with a score of at least 75%, the Respondent having already completed a records-keeping course that met Board approval.

4. On April 29, 2004, the Respondent took the Board's examination. However, the Respondent failed the examination.

5. The Consent Order provides, *inter alia*, that "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."

6. By failing the examination, the Respondent is in violation of the condition of Probation and of the Consent Order.

7. Consequently, by notice dated May 27, 2004 the Board sent the Respondent a Violation of Probation and scheduled a hearing for July 8, 2004.

8. Subsequently, the Respondent, through her attorney, Robert J. Kim, and the State of Maryland, by its attorney, Roberta Gill, Assistant Attorney General, Administrative Prosecutor, submitted a joint proposal for settlement, which was accepted by the Board, as

set forth below:

- A. The Respondent shall re-take the Board's proficiency examination on July 9, 2004, but by no later than August 5, 2004;
- B. If the Respondent passes the examination with the requisite percentage, the Board will return the Respondent's certificate to her;
- C. If the Respondent fails the examination, the Board will automatically revoke her certificate, effective on the date of the examination;
- D. If she fails to take the examination by August 5, 2004, the Board will automatically revoke her certificate, effective August 5, 2004.

9. The Board, at its meeting of July 8, 2004, subsequently accepted the joint proposal and the Respondent and the Board signed a Final Supplemental and Superseding Consent Order to that effect, effective July 12, 2004.

10. On July 9, 2004, the Respondent took the Board's proficiency examination once again. The Respondent failed the examination.

11. Consequently, pursuant to the Consent Order of July 12, 2004, the Respondent's certificate to practice massage therapy in Maryland will be revoked.

### **CONCLUSIONS OF LAW**

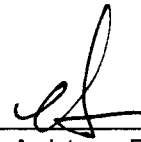
Based upon the foregoing Findings of Fact, the Board finds that Respondent has not met the requirements of massage therapy in Maryland in that she has not passed the proficiency examination administered by the Board.

### **ORDER**

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 22 day of July, 2004, by a majority of a quorum of the Board,

**ORDERED** that the Respondent's certificate to practice massage therapy in Maryland is hereby **REVOKED**, effective as of the date of this Order; and be it further

**ORDERED** that for purposes of public disclosure, as permitted by Md. State Govt. Code Ann. §10-617(h) (Repl. Vol. 1999), 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.



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E. Brian Ashton, D.C., P.T., President  
State Board of Chiropractic Examiners

IN THE MATTER OF

DEBORAH POINDEXTER, C.M.T.

CERTIFICATE NO. M01144

Respondent

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BEFORE THE

STATE BOARD

OF CHIROPRACTIC EXAMINERS

Case Number 03-25-M

\* \* \* \* \*

**FINAL SUPPLEMENTAL AND SUPERSEDING CONSENT ORDER**

Based on information received and a subsequent investigation by the State Board of Chiropractic Examiners (the "Board"), and subject to Md. Health Occ. Ann. § 3-5A-01, et seq., (the "Act") (2000 Repl. Vol. and 2003 Supp.), the Board charged Deborah Poindexter, C.M.T., (the "Respondent"), with a Violation of Probation based on the Consent Order of February 5, 2004. Specifically, the Board charged the Respondent with violation of the following provision of the Consent Order: that the Respondent shall be placed on Probation for a period of six months, subject to the following condition: the Respondent shall take and pass the examination given by the Board within sixty (60) days of the effective date of the Consent Order, e.g., by May 5, 2004.

**FINDINGS OF FACT**

1. The Respondent is certified to practice massage therapy in Maryland. The Respondent was first certified on September 22, 2000. The Respondent's certificate expires on October 31, 2004.

2. On April 29, 2004, the Respondent took the Board's examination. However, the Respondent failed the examination.

3. The Consent Order provides, *inter alia*, that "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."

4. By failing the examination, the Respondent is in violation of the condition of Probation and of the Consent Order.

5. Consequently, by notice dated May 27, 2004 the Board sent the Respondent a Violation of Probation and scheduled a hearing for July 8, 2004.

6. Subsequently, the Respondent, through her attorney, Robert J. Kim, and the State of Maryland, by its attorney, Roberta Gill, Assistant Attorney General, Administrative Prosecutor, submitted a joint proposal for settlement, which was accepted by the Board, as set forth below.

### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated the Consent Order of February 5, 2004.

**ORDER**

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 12 day of July, 2004, by a majority of a quorum of the Board,

**ORDERED** that the Respondent shall agree to immediately surrender her certificate temporarily, subject to the following terms;

1. The Respondent shall re-take the Board's proficiency examination on July 9, 2004, but by no later than August 5, 2004;
2. If the Respondent passes the examination with the requisite percentage, the Board will return the Respondent's certificate to her;
3. If the Respondent fails the examination, the Board will automatically revoke her certificate, effective on the date of the examination;
4. If she fails to take the examination by August 5, 2004, the Board will automatically revoke her certificate, effective August 5, 2004.

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

**ORDERED** that, the Respondent, upon advice of counsel, voluntarily waives her right to a hearing on the Violation of Probation; and be it

**ORDERED** that, if the Respondent passes the examination and has her certificate returned, the Respondent shall practice in accordance with the laws and regulations governing the practice of massage therapy in Maryland; and be it further

**ORDERED** that for purposes of public disclosure, as permitted by Md. State Govt. Code Ann. §10-617(h) (Repl. Vol. 1999), 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.



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E. Brian Ashton, D.C., P.T., President  
State Board of Chiropractic Examiners



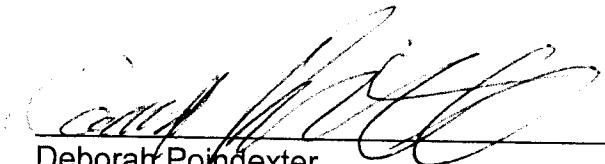
**CONSENT OF DEBORAH POINDEXTER**

I, Deborah Poindexter, by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Robert J. Kim, and have been advised by him of the legal implication of signing this Consent Order;
2. I am aware that without my consent, my certificate to practice massage therapy in this State cannot be limited except pursuant to the provisions of § 3-5A-09 of the Act and the Administrative Procedure Act (APA) Md. State Govt. Code Ann. §10-201, et seq., (1999 Repl. Vol. and 2003 Supp.).
3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, 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 certificate to practice massage therapy in the State of Maryland.

7/17/04  
Date

  
Deborah Poindexter

STATE OF

CITY/COUNTY OF Prince George's :

I HEREBY CERTIFY that on this 7 day of July, 2004, before me, BARBARA A. SHIRK, a Notary Public of the foregoing State and (City/County),  
(Print Name)  
personally appeared Deborah Poindexter, Certificate No. M01144, 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.

Barbara A. Shirk  
Notary Public

My Commission Expires: 2/1/06

BARBARA A. SHIRK  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires February 1, 2006