

IN THE MATTER OF
AMY J. ALLEN, D.C.
Respondent

* **BEFORE THE**
* **MARYLAND STATE**
* **BOARD OF CHIROPRACTIC**
* **EXAMINERS**
* **Case Number: 17-10C**

License Number: S03679

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On May 26, 2017, the Maryland State Board of Chiropractic Examiners (the "Board") summarily suspended the chiropractic license of **AMY J. ALLEN, D.C.** (the "Respondent"), License Number S03679, pursuant to Md. Code Ann., State Gov't II § 10-226(c)(2) (2014 Repl. Vol.). Prior to the issuance of disciplinary charges, the Board convened a case resolution conference ("CRC") to address this matter. Pursuant to negotiations occurring at the CRC, the Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order, Consent and Notary.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

I. BACKGROUND/LICENSING INFORMATION

1. The Respondent was initially licensed to practice chiropractic in Maryland on October 27, 2011, under License Number S03679. The Respondent's chiropractic license is currently suspended pursuant to an *Order for Summary Suspension of License to Practice Chiropractic*, dated May 26, 2017 (see ¶ 14, *infra*).

II. THE COMPLAINT

2. The Board initiated an investigation of the Respondent after reviewing a complaint, dated April 20, 2017, from a chiropractor (the "Complainant")¹ who employed the Respondent to practice chiropractic on a part-time basis in his/her office (the "Office") beginning in or around September 2015, and continuing until on or about April 6, 2017, when he/she terminated the Respondent's employment. The Office is located in Maryland.

3. The Complainant stated that while the Respondent's work performance in 2015 was largely without incident, it began to deteriorate in 2016. The Complainant made allegations with respect to the Respondent's misuse of alcohol. The Complainant stated that the Respondent began to show up late for work and call out sick with some regularity. The Complainant stated that the Respondent's appearance, which was initially professional, became more disordered and that during the end of 2016, her work ethic began to deteriorate. The Complainant stated that at least two staff members reported that the Respondent smelled of alcohol and was repeatedly absent, tardy, took naps during stretches between patients, and failed to record note-taking and charting in a timely manner.

4. The Complainant stated that he/she addressed the Respondent's conduct with her. The Complainant stated that as of the date of his/her complaint, the Respondent had not charted notes for over 60 treatments of patients and that she saw new patients but recorded no notes for those patients. The Complainant stated that due to these issues, he/she terminated the Respondent's employment on or about April 6,

¹ For confidentiality reasons, the identity of the Complainant, chiropractic offices or individuals referenced herein will not be disclosed in this document. The Respondent is aware of the identity of all individuals/entities referenced herein.

2017.

III. BOARD INVESTIGATION

5. As part of the Board's investigation, a Board investigator obtained written statements from various Office staff members about the Respondent's conduct and behavior at the Office. The Board investigator also interviewed the Respondent.

Employee A

6. In a written statement, an Office employee ("Employee A") stated that about six months into the Respondent's employment at the Office, he/she began to see signs that the Respondent was abusing alcohol. Employee A corroborated the complaint and stated that the Respondent exhibited habitual lateness that caused a disruption to patient scheduling.

7. Employee A stated that during the Respondent's employment at the Office, her appearance deteriorated. Employee A also noticed that the Respondent had bruises on her body and forehead.

8. Employee A stated that toward the end of the Respondent's employment at the Office, the Respondent began to smell very distinctly of alcohol and exhibited other signs indicative of alcohol abuse.

9. Employee A stated that at the end of his/her shift on April 4, 2017, he/she cleaned out the Respondent's office, during which time he/she noted an overwhelming smell of alcohol in the room. He/she also observed a vodka bottle inside the Respondent's backpack and photographed the image, which he/she provided to the Board.

10. Employee A stated that based on his/her observations, the Respondent

constituted a potential threat to her patients.

Employee B

11. Another Office employee ("Employee B") reported that on numerous occasions, he/she observed the Respondent leave the office to get something from her automobile and return a few minutes later with a backpack. Employee B observed the Respondent enter her office and close the door, and that when he/she went back to inform the Respondent that a patient had arrived, he/she smelled the strong odor of alcohol. Employee B also observed over time, the Respondent's appearance and demeanor deteriorated.

Employee C

12. A third Office employee ("Employee C") reported that on at least four or five dates during work hours, he/she noted that the Respondent smelled of alcohol. Employee C's statement further corroborated the complaint with respect to the odor of alcohol coming from Respondent's office and person, and other signs indicative of being under the influence of alcohol.

Interview of the Respondent

13. A Board investigator interviewed the Respondent on May 16, 2017. The Respondent refused to permit the investigator to record the interview. The investigator noted that upon meeting the Respondent, the Respondent's breath had a strong odor of alcohol, her eyes were bloodshot, and she appeared to be drowsy.

IV. Order for Summary Suspension, May 26, 2017

14. Based on the above investigation, the Board issued an Order for Summary Suspension of License to Practice Chiropractic, dated May 26, 2017, pursuant

to Md. Code Ann., State Gov't § 10-226(c)(2), concluding that the public health, safety or welfare required emergency action.

V. GROUNDS FOR DISCIPLINE

15. The Board's investigation determined that the Respondent's actions, as described above, constitute a violation of the following provisions of the Act under Health Occ. § 3-313: (6), Provides professional services while: (i) Under the influence of alcohol; (19), Violates any rule or regulation adopted by the Board; and (21), Commits an act of unprofessional conduct in the practice of chiropractic.

16. The Respondent's actions, as described above, a violation of the following COMAR provisions: 10.43.13.01 *et seq.* and 10.43.14.01 *et seq.*

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds as a matter of law that the Respondent violated the following provisions of the Act under Health Occ. § 3-313: (6), Provides professional services while: (i) Under the influence of alcohol; (19), Violates any rule or regulation adopted by the Board, *i.e.*, COMAR 10.43.13.01 *et seq.* and 10.43.14.01 *et seq.*; and (21), Commits an act of unprofessional conduct in the practice of chiropractic. The Board also finds as a matter of law that the Respondent violated COMAR 10.43.13.01 *et seq.* and 10.43.14.01 *et seq.*

ORDER

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

ORDERED that the Order for Summary Suspension of License to Practice Chiropractic, dated May 26, 2017, is hereby **LIFTED** and **TERMINATED**; and it is further

ORDERED that the Respondent's license to practice chiropractic in the State of Maryland is hereby **SUSPENDED** for a period of **TWO (2) YEARS** with all but a minimum of **SIX (6) MONTHS** of said suspension **STAYED** concluding on April 6, 2018, provided the Respondent has fully and successfully completed the following terms and conditions:

- (1) The Respondent shall undergo an alcohol/substance abuse evaluation by a Board-approved health care provider, who shall submit a report to the Board, dated within fifteen days of any request to lift / terminate the suspension, to assist the Board in determining whether the Respondent can safely resume the practice of chiropractic, and if so, under what conditions.

AND IT IS FURTHER ORDERED that after the Respondent undergoes the above evaluation, she may file a written request for reinstatement pursuant to this Consent Order. The Board will reinstate the Respondent if it determines that the Respondent successfully complied with the terms and conditions of the suspension and it finds that she can safely resume the practice of chiropractic. If, however, the Board determines that the Respondent has not successfully complied with the terms and conditions of the suspension, or that she cannot safely resume the practice of chiropractic, the Board shall continue the suspension of Respondent's license until she has complied with all of the above terms and conditions; and it is further

ORDERED that upon the termination of the suspension of the Respondent's license, the Board shall place the Respondent on **PROBATION** for a minimum period of

TWO (2) YEARS. During the probationary period, the Respondent shall comply with all of the following probationary terms and conditions:

- (i) The Respondent shall enroll in a Board-approved professional well-being program (“WBP”) for the entire duration of her probation. The Respondent shall enter into a Monitoring Agreement with WBP. For the entire duration of the probationary period, the Respondent shall fully, timely and satisfactorily cooperate and comply with all WBP recommendations and requirements, including but not limited to, the terms and conditions of the Monitoring Agreement, complete abstinence from alcohol, random monitored toxicology screens as required by WBP, self-help fellowship meetings and in-patient treatment, if recommended by WBP.
- (ii) The Respondent shall be subject to periodic randomized alcohol and drug screening as directed by the WBP.
- (iii) The WBP shall submit quarterly reports to the Board summarizing the Respondent’s treatment sessions, including but not limited to, its assessment of the Respondent’s progress and the results of the Respondent’s alcohol and drug screens. The Respondent is solely responsible for ensuring that the WBP submits the required quarterly reports to the Board in a timely manner.
- (iv) The Board retains sole authority to implement or approve any changes in the Respondent’s treatment.
- (v) In the event that the WBP discontinues or discharges the Respondent from treatment for any reason, the Respondent shall immediately notify the Board.
- (vi) The Respondent’s failure to comply with the recommendations or requirements of the WBP shall constitute a violation of this Consent Order.
- (vii) From time to time, as determined by WBP, the Respondent shall sign a written release or consent forms and update the releases or consent forms as required by the Board or WBP. Specifically, the Respondent shall sign a written release or consent form as required by the Board to authorize WBP to make verbal and written disclosures to the Board, including disclosure of any WBP records and files and confidential drug and alcohol abuse information about the Respondent. The Respondent shall also sign any written release/consent forms required by WBP to authorize WBP to exchange with (*i.e.* disclose to and receive from) outside entities’ (including all of the Respondent’s current therapists and treatment providers) verbal and written information about her, including confidential drug and alcohol abuse information.

- (iii) For the entire duration of the probationary period, the Respondent shall completely abstain from using alcohol, unprescribed Controlled Dangerous Substances ("CDS"), narcotics, illegal drugs and other mood-altering substances. The Respondent may take CDS, but only if prescribed by a licensed health care provider for a legitimate medical purpose and only as prescribed. Prior to accepting any CDS prescription from a licensed health care provider, the Respondent shall provide the prescribing licensed health care provider with a copy of this Consent Order. The Respondent shall immediately notify WBP of any CDS prescription she obtains and the justification for the prescription.
- (viii) The Respondent's chiropractic practice may be subject to review by the Board, *i.e.* random review of patient records.
- (ix) The Respondent shall comply with the Maryland Chiropractic Act and all laws, statutes and regulations pertaining thereto.

AND IT IS FURTHER ORDERED that, after the conclusion of the **TWO (2)** YEAR probationary period, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board. The Respondent may be required to appear before the Board or a committee of the Board to discuss her petition for termination. The Board will grant the petition to terminate the probation if the Respondent has complied with all of the probationary terms and conditions and there are no pending complaints of similar violations; and it is further

ORDERED that if the Board determines, after notice and an opportunity for an evidentiary hearing before the Board if there is a genuine dispute as to a material fact or a show cause hearing before the Board if there is no genuine dispute as to a material fact, that the Respondent has failed to comply with any terms or condition of probation or this Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, impose a civil


monetary fine upon the Respondent, or suspend or revoke the Respondent's license to practice chiropractic in Maryland; and it is further

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

ORDERED that, unless stated otherwise in this Order, any time period prescribed in this Order begins when the Consent Order goes into effect. The Consent Order goes into effect upon the signature of the Board Chair; and is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2014).

6-26-18
Date



Laurie Sheffield-James, Executive Director
Maryland State Board of Chiropractic
Examiners

CONSENT

I, Amy J. Allen, D.C., acknowledge that I am represented by counsel 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 violations as set forth above and accept personal responsibility for my behavior.

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.

6/16/18
Date

[Signature]
Amy J. Allen, D.C.
Respondent

NOTARY

STATE OF MD

CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 16 day of JUNE, 2018, before me, a Notary Public of the foregoing State and City/County personally appear Amy J. Allen, D.C., and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notary seal.

[Signature]
Notary Public



My commission expires: 11/07/2021