

IN THE MATTER OF
MARCIA B. LEVI, D.C.

Respondent

License No.: S02192

* BEFORE THE MARYLAND
* STATE BOARD OF
* CHIROPRACTIC EXAMINERS
* Case Nos.: 20-07C, 20-10C & 20-16C

* * * * *

CONSENT ORDER

On January 14, 2021, the Maryland State Board of Chiropractic Examiners (the “Board”) charged **MARCIA B. LEVI, D.C.** (the “Respondent”), License Number S02192, with violating the Maryland Chiropractic Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 3-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act and COMAR:

Health Occ. § 3-313. Denials, reprimands, suspensions, and revocations.

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:

- (19) Violates any rule or regulation adopted by the Board; [and]
- (21) Commits an act of unprofessional conduct in the practice of chiropractic.

COMAR 10.43.13.03 - Standards of Practice.

- C. A chiropractor and chiropractic assistant shall:
 - (8) Cooperate with any lawful investigation conducted by the Board, including:

- (a) Furnishing information requested in a timely as directed by the Board;
- (b) Complying with a subpoena; [and]
- (d) Providing meaningful and timely access to relevant patient records[.]

COMAR 10.43.13.04 - Relationship with Patient.

A. A chiropractor shall:

- (4) Maintain a written record of treatment of the patient under the chiropractor's care for at least:
 - (a) 5 years after the termination of treatment; and
 - (b) 5 years after the patient becomes 18 years old, if applicable.
- (5) Make the written records of treatment available to the patient upon request, in compliance with applicable laws for disclosure of medical records[.]

COMAR 10.43.14.03 - Record Keeping.

A. The chiropractor shall maintain accurate, detailed, legible, and organized records, documenting all data collected pertaining to the patient's health status.

E. Maintenance and Release of Patient Records.

- (2) The chiropractor shall release patient records when release is:
 - (a) Authorized by the patient in writing; or
 - (b) Compelled by law.

On March 11, 2021, a Case Resolution Conference ("CRC") was held before a committee of the Board. As a resolution of this matter, the Respondent agreed to enter this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

BACKGROUND

1. At all times relevant to these charges, the Respondent was and is licensed to practice chiropractic in the State of Maryland. The Respondent was originally licensed to practice chiropractic in Maryland on November 13, 2002, under License Number S02192. The Respondent's license is current until September 1, 2021.

2. At all times relevant to these charges, the Respondent maintained an office for the practice of chiropractic located in Laurel, Maryland.

II. COMPLAINTS

3. On or about April 2, 2020, the Board received a complaint from a patient ("Patient A")¹ alleging that the Respondent failed to provide Patient A with her chiropractic record and her family member's chiropractic record in a timely manner. Furthermore, when the Respondent did provide Patient A with her and her family member's chiropractic records, they were insufficient and lacked the necessary details of their treatments. After

¹ To ensure confidentiality, the names of individuals, hospitals and healthcare facilities involved in this case are not disclosed in this document.

receiving the complaint, the Board initiated an investigation of the Respondent under Board Case Number 20-07C.

4. On or about May 17, 2020, the Board received a second complaint from a patient (“Patient B”) alleging that in 2018 Patient B and two of his family members received chiropractic treatments from the Respondent. When the treatments concluded, Patient B attempted to obtain his and his family members chiropractic records from the Respondent without success. After receiving the second complaint, the Board initiated a second investigation of the Respondent under Board Case Number 20-10C.

5. On or about May 17, 2020, the Board received a third complaint from a patient (“Patient C”) alleging that she began receiving chiropractic treatment from the Respondent after an automobile accident on or about December 18, 2019, which concluded on or about March 11, 2020. At the conclusion of the treatment, Patient C and her attorney requested Patient C’s chiropractic billing and treatment records from the Respondent. Patient C stated that on or about April 17, 2020, the Respondent sent Patient C itemized bills by facsimile and promised to provide her with her treatment record once it was completed. Patient C stated that she and her attorney continued to attempt to obtain her treatment record from the Respondent without success. After receiving the third complaint, the Board initiated a third investigation of the Respondent under Board Case Number 20-16C.

II. INVESTIGATION

Case Number: 20-07C

6. On or about April 7, 2020, a Board investigator spoke to the Respondent by telephone and inquired about Patient A's complaint. The following day, on or about April 8, 2020, the Respondent sent an e-mail to the Board investigator stating that she was having technical difficulties completing Patient A's chiropractic record and that she would provide Patient A with her chiropractic record as soon as it is complete.

7. Between April 8 and 17, 2020, the Board investigator followed up with the Respondent regarding Patient A's chiropractic record, and the Respondent continued to promise to provide it to Patient A as soon as it was complete. The Board investigator never received confirmation from the Respondent that she provided Patient A with her chiropractic record.

8. On or about April 21, 2020, the Board investigator mailed by certified mail and hand-delivered a Board issued subpoena to the Respondent for the chiropractic records of Patient A and her family member. The subpoena directed that the Respondent provide to the Board Patient A's and her family member's chiropractic records within five days of her receipt of the subpoena.

9. The Respondent failed to provide the Board with Patient A's and her family member's chiropractic records with five days of her receipt of the subpoena.

10. On or about April 29, 2020, the Respondent emailed the Board investigator various documents relating to the chiropractic treatments she provided to Patient A and her

family member. The records, however, were grossly inadequate as a majority of treatment notes for Patient A and her family member were missing.

11. Between May 20 and July 6, 2020, the Board investigator attempted to ascertain whether the records the Respondent provided on April 29, 2020, were the complete records for Patient A and her family member by having the Respondent sign a written certification that they were the complete chiropractic records. The Respondent continued to promise to sign the written certification but never did.

Case Number: 20-10C

12. On or about May 19, 2020, the Board investigator sent the Respondent by certified and First-Class Mail a Board issued subpoena for the chiropractic records of Patient B and two of his family members to the Respondent's address of record with the Board. The Board subpoena directed that the Respondent provide the records to the Board with five days from her receipt of the subpoena.

13. The Respondent failed to provide the Board with Patient B's and two of his family members' chiropractic records within five days of her receipt of the subpoena.

14. On or about July 2, 2020, the Board investigator spoke to the Respondent by telephone during which the Respondent promised to provide the Board with Patient B's and her two family members' chiropractic records by July 6, 2020. The Respondent, however, did not provide Patient B's and his two family members' chiropractic records by July 16, 2020.

Case Number: 20-16C

15. On or about July 16, 2020, the Board investigator sent by certified and First-Class Mail a Board issued subpoena for Patient C's chiropractic record to the Respondent's address of record. The subpoena directed that the Respondent provide the Board with Patient C's chiropractic record within five days of her receipt of the subpoena.

16. The Board investigator discovered through the United States Postal Service tracking system that the subpoena was delivered to the Respondent's address of record on July 20, 2020.

17. The Respondent failed to provide the Board with Patient C's chiropractic record within five days of her receipt of the subpoena.

Chiropractic Records

18. Prior to and subsequent to the Case Resolution Conference, the Respondent has provided Patient A, B, C and their family members their chiropractic records.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's actions or lack thereof, as described above, constitute: violating any rule or regulation adopted by the Board, *i.e.* COMAR 10.43.13.03C(8)(a), (b) and/or (d), and/or COMAR 10.43.13.04A(4)(a) and/or (b), and/or COMAR 10.43.13.04A(5) and/or COMAR 10.43.14.03A and/or E(2)(a) and/or (b), in violation of Health Occ. § 3-313(19); and committing an act of unprofessional conduct in the practice of chiropractic, in violation of Health Occ. § 3-313(21).

ORDER

It is, on the affirmative vote of a majority of the Board, hereby:

ORDERED that the Respondent's license to practice chiropractic in the State of Maryland be and hereby is **SUSPENDED** for a period of **THIRTY (30) DAYS** to commence on June 14, 2021; and it is further

ORDERED that at the conclusion of the thirty (30) day period of suspension, the Respondent shall automatically be placed on **PROBATION** for a minimum period of **TWO (2) YEARS**, subject to the following terms and conditions are met:

1. Within two (2) years of the date of this Consent Order, the Respondent shall successfully complete Board-approved courses in ethics and record keeping, which may not be applied toward her license renewal.
2. Within thirty (30) days, the Respondent shall pay a fine in the amount of **ONE THOUSAND FIVE-HUNDRED DOLLARS (\$1,500)** by bank certified check or money order made payable to the Maryland Board of Chiropractic Examiners.


AND IT IS FURTHER ORDERED that after the conclusion of the entire **TWO (2) YEAR** period of probation, 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 involving similar violations found in this case before the Board; and it is further

ORDERED that if the Board determines, after notice and an opportunity for an evidentiary hearing 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 this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2014).

06/08/2021
Date



Sharon J. Oliver, MBA
Executive Director, on behalf of the
Maryland State Board of
Chiropractic Examiners

CONSENT

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

6.3.2021
Date

Marcia B. Levi
Marcia B. Levi, D.C.
Respondent

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Laurel/Prince Georges

I HEREBY CERTIFY that on this 3rd day of June
 , 2021, before me, a Notary Public of the foregoing State and City/County personally appear Marcia B. Levi, 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.



Notary Public

MI JUNG KIM
NOTARY PUBLIC STATE OF MARYLAND
My commission expires: My Commission Expires Nov 02, 2022
Montgomery County