

IN THE MATTER OF
GLENN MILLER, D.C.
Respondent
LICENSE NO. S01232

* BEFORE THE
* MARYLAND BOARD OF
* CHIROPRACTIC AND
* MASSAGE THERAPY EXAMINERS
* CASE NO. 11-30C

JUN 21 2012
8642

* * * * *

CONSENT ORDER

On or about March 20, 2012, the Maryland Board of Chiropractic and Massage Therapy Examiners (the "Board") hereby charges Glenn Miller, D.C. ("Respondent"), (D.O.B. 7/15/58), license number S01232, pursuant to the Maryland Chiropractic Practice Act (the "Act") codified at Md. Code Ann., Health Occ. (H.O.) § 3-101, et seq. (2009 Repl. Vol. and 2011 Supp).

The pertinent provision of the Act under which the Board voted charges is H.O. § 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 regulation adopted by the Board; [or]
- (21) Commits an act of unprofessional conduct in the practice of chiropractic[.]

The Board further charged the Respondent with the following violations of the Code of Maryland Regulations ("COMAR") tit. 10, § 43.07.03 provides as follows:

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The supervising chiropractor shall:

A. Submit:

- (1) The required Board Notification of Employment 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.

On or about May 10, 2012, the Respondent, his attorney and the Administrative Prosecutor on behalf of the State appeared before the Case Resolution Conference ("CRC") Committee of the Board, during which the parties agreed to enter into this Consent Order. A quorum of the Board accepted the negotiated settlement on or about May 10, 2012.

FINDINGS OF FACT

Background

1. At all times relevant hereto, Respondent was licensed to practice chiropractic in the State of Maryland. Respondent was originally licensed to practice chiropractic in Maryland on January 1, 1985, under license number S01232. Respondent also holds physical therapy privileges under his license.

2. On or about October 4, 1994, Respondent submitted a Supervising Chiropractor Application to the Board.

3. Respondent signed an attestation on the application stating:

I, the undersigned, agree to comply with and carry out all rules and regulations as outlined in COMAR 10.43.07, Chiropractic Assistants, as well as all other rules and regulations currently promulgated by the Maryland Board of Chiropractic Examiners. I have thoroughly read and familiarized myself with the stipulations of COMAR 10.43.07 Chiropractic Assistants.

4. Thereafter, Respondent achieved Supervising Chiropractor status.

5. At all times relevant hereto, Respondent was the owner of and a practicing chiropractor at Clinic A, located in Baltimore, Maryland.

6. On or about March 28, 2011, the Board received a complaint (the "Complaint") from an insurance company investigator regarding three individuals employed by Clinic A without being registered with the Board (collectively "Unregistered Assistants A, B and C")¹.

7. Upon review of the complaint, the Board initiated an investigation.

Training Log Records

8. On or about March 29, 2011, the Board's investigator visited Clinic A to investigate the complaint and to obtain the Chiropractic Assistant Applicant In-Service Training Log Records for Unregistered Assistants A, B and C. The Board's investigator had an informal discussion with Respondent and Unregistered Assistant A and was provided copies of the logs for all three (3) unregistered assistants.

9. The logs revealed that Unregistered Assistant A began in-service training on September 14, 2010; Unregistered Assistant B began in-service training on September 6, 2010; and Unregistered Assistant C began in-service training on September 13, 2010.²

10. The logs contained the signatures of Respondent and two (2) other chiropractors, Dr. A and Dr. B, who were also employed by Clinic A during the relevant period. The Board's records revealed that Dr. A had not achieved Supervising Chiropractic status at any time during the period between September 6, 2010 and February 15, 2011.

11. During the conversation between the Board's investigator and Clinic A's employees, Unregistered Assistant A left the room and, upon her return, provided the investigator with additional copies of the same logs. She then asked the Board's investigator to

¹ The names of these individuals are omitted to protect their privacy but are known to Respondent.

² Unregistered Assistant A admitted to the Board in a sworn interview on March 30, 2011 that Unregistered Assistants A, B and C began performing treatment on patients in September, 2010.

return to her the copies she had initially provided, which he refused to do. The Board's investigator noted that the second set of copies was exactly the same as the first set provided, except Dr. A's signature no longer appeared on any of the logs for Unregistered Assistant B.

12. Respondent testified during a sworn interview with the Board's investigator on June 20, 2011 that, upon learning that Dr. A was not a Supervising Chiropractor, he had changed the logs by adding his signature to the dates where Dr. A had signed because Respondent was also at Clinic A on those dates. The logs revealed that Respondent and Dr. B had also co-signed several entries for Unregistered Assistant A as well.

13. The Respondent asserts that he and Dr. B were present at Clinic A during the in-service training for the chiropractic assistant applicants.

Board Notification of Employment Forms

14. Respondent also admitted that he had begun supervising Unregistered Assistants A, B and C in the performance of physical therapy modalities in September 2010, prior to having submitted the required Board Notification of Employment form for each of them.

15. Respondent testified that he had seen the Board's packet of information concerning Chiropractic Assistant Applicants on the Board's website, which included the Chiropractic Assistant Applicant In-Service Training Log Records, Board Notification of Employment form and the Board's relevant regulations.

16. The Board did not receive these Board Notification of Employment forms for Unregistered Assistants A, B and C until February 15, 2011.

Signage

17. The Respondent testified that he did not know who posted the sign at Clinic A stating "3 visit requirement per week."

18. A copy of the Respondent's business card appears at the bottom of the sign.
19. The Board's regulations prohibit a person from serving as a chiropractic applicant or assistant unless approved by the Board. COMAR 10.43.07.11. As a Supervising chiropractor, Respondent knew or should have known the applicable Board statute and regulations regarding Chiropractic Assistant Applicants.
20. Respondent failed to submit Board Notification of Employment forms for Unregistered Assistants A, B and C prior to supervising them in the practice of chiropractic at Clinic A in September, 2010.
21. Unregistered Assistants A, B and C were thus not authorized to assist in the practice of chiropractic between the period of September 2010 and February 2011.
22. By practicing with unauthorized persons and aiding and supervising three (3) unauthorized persons in the practice of chiropractic at Clinic A, Respondent is subject to discipline by the Board pursuant to H.O. § 3-313(18) and (21).
23. By failing to ensure submission to the Board of the Board Notification of Employment forms for Unregistered Assistants A, B and C before undertaking hands on training with those individuals, Respondent is subject to discipline by the Board pursuant to H.O. § 3-313(19) for violating a regulation of the Board, to wit, COMAR 10.43.07.03.
24. By revising or assisting Unregistered Assistant A to revise the training logs, Respondent has committed an act of unprofessional conduct in the practice of chiropractic and is subject to discipline by the Board pursuant to H.O. § 3-313(21).
25. By allowing his staff to post a sign at Clinic A requiring patients to make three (3) visits per week, Respondent has committed an act of unprofessional conduct in the practice of chiropractic and is subject to discipline by the Board pursuant to H.O. § 3-313(21).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent is subject to discipline pursuant to H.O. § 3-313(18, 19 and 21) and COMAR 10.43.07.03.

ORDER

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

ORDERED that the Respondent's license to practice chiropractic is hereby **REPRIMANDED**, and it is further

ORDERED that the Respondent be issued a fine of three thousand dollars (\$3,000.00), payable to the Board within nine (9) months from the effective date of this Consent Order³, and is it further

ORDERED that the Respondent's license to practice chiropractic shall be placed on **PROBATION** for a period of **ONE (1) YEAR**, to commence on the effective date of this Consent Order; and it is further

ORDERED that during the period of probation, the Respondent shall successfully complete (a) the Board's Jurisprudence and Ethics examination; and (b) the Board's Supervising Chiropractor examination; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice an opportunity for a show cause hearing before the Board, may impose any sanction which the Board may have imposed under the

³ The effective date of this Consent Order is the date upon which the Board's designee signs this Consent Order.


Maryland Chiropractic Act, including a reprimand, probation, suspension, revocation and/or a monetary fine; and it is further

ORDERED that upon proof of successful completion of the probationary requirements stated herein, the Respondent's probation shall automatically be terminated one (1) year from the effective date of this Consent Order; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred in the fulfillment of 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. State Gov't § 10-611 et seq. (2009 Repl. Vol. and 2011 Supp.)

7-11-12
Date



J. Vallone, JD, CFE, Executive Director, for
Stephanie Chaney, D.C., President, Maryland Board
of Chiropractic and Massage Therapy Examiners

CONSENT


I, Glenn Miller, D.C., acknowledge that 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 consulted with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

6-19-12
Date


Glenn Miller, D.C.

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 19th day of June, 2012,
before me, a Notary Public of the foregoing State and City/County personally appeared **GLENN
MILLER, D.C.**, License Number S01232, and made oath in due form of law that signing the
foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.

Jayne M. Pansu
Notary Public

My commission expires: 2/21/16