

IN THE MATTER OF * BEFORE THE MARYLAND
DEBORAH A. NICHOLAS * BOARD OF CHIROPRACTIC
CHIROPRACTIC APPLICANT * EXAMINERS
* CASE NO: 20-27C

* * * * *

**ORDER OF DENIAL OF CHIROPRACTIC ASSISTANT “REQUEST TO EMPLOY”
APPLICATION FOR C.A. TRAINING PROGRAM**

The Maryland Board of Chiropractic Examiners (the "Board") notified **Deborah A. Nichols** (the “Applicant”), of the Board’s intent to deny her Chiropractic Applicant “Request to Employ” Application for C.A. Training Program under the Maryland Chiropractic Act (the “Act”), Md. Code Ann., Health Occupations (“Health. Occ.”) §§3-101 *et seq.* (2021 Repl. Vol.). The pertinent provisions of the Act state:

§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:

- (5) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (19) Violates any rule or regulation adopted by the Board[.]

COMAR 10.43.07.02 Chiropractic Applicant or Assistant Qualifications and Training.

- A. At the time of application on the Request to Employ form for training, an applicant shall:
 - (2) Be of good moral character[.]

FINDINGS OF FACT

1. In August 2020, the Board received the Chiropractic Applicant “Request to Employ” Application for C.A. Training Program (the “Application”) of the Applicant.

2. The Chiropractic Assistant Training Program is a structured one-year program that allows a CA Trainee to work under the supervision of a Board licensed supervising chiropractor. Successful CA Trainees may apply for Maryland registered chiropractic assistant status after completing 520 hours of in-service clinical training by a certified Supervising Chiropractor.

3. The Applicant answered “No” to question 2 on the Application which asked:

“Have you been arrested, charged with a crime, or pled guilty, *nolo contendere*, no contest, or been convicted or received probation before judgement for any criminal act, including DWI or DUI. If “Yes” (regardless of the timeframe), immediately contact the Clerk’s Office of the Criminal Court for which you appeared to obtain your court records. If you have an upcoming court case regarding any of the aforementioned: disclose that information in a letter attached to this application[?]”

4. The Applicant signed the Application before a notary public attesting that her answers on the Application were true and correct.

5. An investigation by Board staff revealed the following regarding the Applicant’s Criminal History:

The Applicant’s criminal history in Maryland

Case No.: 2H00074426

A. On or about July 14, 2014, the Applicant was charged in the District Court for Wicomico County, Maryland with one (1) count of theft less than one hundred (\$100) dollars.

- B. On or about August 20, 2015, the Applicant was found guilty in the District Court for Wicomico County, Maryland to one (1) count of theft less than one hundred (\$100) dollars.
- C. The Applicant was sentenced to forty-one (41) days in jail and ordered to pay court costs.

Case No.: 4H00076864 and Case No.:22-K-16-000076

- D. On or about January 15, 2015, the Applicant was charged in the District Court for Wicomico County, Maryland with seven (7) counts of credit card theft and two (2) counts of theft less than (\$1000) dollars
- E. On or about January 27, 2016, the Applicant was found guilty in the District Court for Wicomico County, Maryland to two (2) counts of the theft less than (\$1000) dollars.
- F. The Applicant was sentenced to five (5) years in jail with all but one year suspended. The Applicant was placed on probation for two (2) years and ordered to pay court costs.
- G. On or about February 2, 2016, the Applicant appealed the district Court decision under case number 22-K-16-000076 to the Circuit Court for Wicomico County, Maryland.
- H. On or about April 22, 2016, the Circuit Court for Wicomico County, Maryland placed case number 22-K-16-000076 on the STET docket.

Case No. 6I00097089 and Case No.: 23-K-15-000354

- I. On or about January 8, 2015, the Applicant was charged in case number: 6I00097089, in the District Court for Worcester County, Maryland with two (2) counts of theft less than one thousand (\$1000) dollars and eleven (11) counts of credit card theft.
- J. On or about August 25, 2015, the Applicant requested a jury trial in the District Court and the matter was forwarded to the Circuit Court for Worcester County, Maryland and assigned Case Number: 23-K-15-000354.
- K. On or about October 8, 2015, the Applicant pleaded guilty in the Circuit Court for Worcester County, Maryland in Case Number: 23-K-15-000354, to one (1) count of theft less than one thousand

(\$1000). The Applicant was sentenced to 18 months in jail with all, but 8 months suspended. The Applicant was placed on probation for 2 years and ordered to pay restitution and cost costs.

The Applicant's criminal history in Delaware¹

- L. A September 9, 2015 pre-sentencing report prepared in Case No: 23-K-15-000354 showed that between 2007 and 2015, the Applicant had been charged and/or convicted of the following:
- a. Theft under \$100 on or about August 8, 2015.
 - b. Theft less than \$1500 on or about February 27, 2015.
 - c. Check forgery on or about January 7, 2015.
 - d. Issuance of Bad Check less than \$1500 on or about November 17, 2009.
 - e. Obtaining CDS by Theft on or about November 3, 2008.
 - f. Theft over \$1000 on or about July 18, 2007.
 - g. Check forgery on or about July 18, 2007.
 - h. Theft over \$1000 on or about July 18, 2007.
 - i. Theft under \$1000 on or about January 9, 2007.
6. The Applicant's conduct as set forth above is in violation of Health Occ. §3-313 (5) and (19).
7. The Applicant lacks good moral character under COMAR 10.43.07.02.

¹ This information was part of the Applicant's pre-sentencing report that was requested by the Circuit Court for Worcester County, Maryland in Case No.: 23-K-15-000354. This information is the only portion of the pre-sentencing report that was provided to Board staff after a request was made for the Applicant's court records.

CONCLUSIONS OF LAW

The Board concluded that the Applicant's conduct violates Health Occ. §3-313 (5) and (19). The Board also concludes that the Applicant lacks good moral character under COMAR 10.43.07.02.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 8th day of September, 2022, a majority of a quorum of the Board hereby:

ORDERED that the Applicant's Application is hereby **DENIED**; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the Board; and it is further

ORDERED that this Order is reportable to the National Practitioner's Data Bank; and it further

ORDERED that this document constitutes a formal disciplinary action of the Board, and this Order is final and is a public document for purposes of public disclosure, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* & § 4-333 (2021 Repl. Vol.).

9/8/2022
Date

Sharon Oliver
Sharon J. Oliver, MBA, Executive Director
for
Joshua Levin, DC, Board President
State Board of Chiropractic Examiners

NOTICE OF RIGHT OF APPEAL

In accordance with § 3-316 of the Act and Md. Code Ann., State Government §§ 10-201, *et seq.* (2021Repl.Vol.) you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed with the Board within thirty days from your receipt of this Final Order and shall be made in accordance with the aforementioned authority.