

IN THE MATTER OF	*	BEFORE THE MARYLAND
CAREY PABOUET-SIGAFOOSE, D.C.	*	STATE BOARD OF
Applicant for Licensure	*	CHIROPRACTIC AND
	*	MASSAGE THERAPY EXAMINERS
former License Number: S01864	*	Case Number: 14-84C
* * * * *		* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On March 23, 2015, the Maryland State Board of Chiropractic and Massage Therapy Examiners (the "Board") notified **CAREY PABOUET-SIGAFOOSE, D.C.** (the "Applicant"), Former License Number S01864, of its intent to deny his *Application to Practice Maryland Chiropractic* (the "Application"), filed on November 21, 2014, pursuant to the Maryland Chiropractic Act (the "Act"), Md. Code Ann., Health Occ. I ("Health Occ. I") §§ 3-101 *et seq.* (2014 Repl. Vol.) and Md. Code Regs. ("COMAR") 10.43.14 *et seq.* and 10.43.15 *et seq.*

The Board based its action on the following provisions of the Act and COMAR:

Health Occ. I § 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 . . . if the applicant . . . :

- (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;
- (6) Provides professional services while: (i) Under the influence of alcohol;

- (8) Is unethical in the conduct of the practice of chiropractic;
- (12) Makes or files a false report or record in the practice of chiropractic;
- (17) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted by a court of any state or country for an act that would be grounds for disciplinary action under this section;
- (19) Violates any rule or regulation in the practice of chiropractic;
- (20) Behaves immorally in the practice of chiropractic;
- (21) Commits an act of unprofessional conduct in the practice of chiropractic;
- (27) Is physically or mentally impaired to the extent that it impairs the applicant's or licensee's ability to practice chiropractic safely; [and/or]
- (28) Violates any provision of this title[.]

Health Occ. I § 3-302. Qualifications of applicants.

(b) *Moral character.* -- The applicant shall be of good moral character.

COMAR 10.43.14 CODE OF ETHICS.

.03 Standards of Practice.

- A. A chiropractor and chiropractic assistant shall concern themselves primarily with the welfare of the patient.
- B. A chiropractor or chiropractic assistant who suffers from a physical, mental, or emotional impairment, including chemical abuse, that impacts the individual's ability to practice chiropractic or provide chiropractic assistance shall seek professional treatment and refrain from the practice of chiropractic or the practice of chiropractic assistance until the impairment no longer exists or reasonable accommodations can be made.
- C. A chiropractor or chiropractic assistant shall:
 - (1) Use professional discretion and integrity in relationships with a member of the health care community;

- (2) Be professional in conduct, with honesty, integrity, self-respect, and fairness; [and/or]
- (5) At all times respect the patient's dignity, autonomy, and privacy;

D. A chiropractor and chiropractic assistant may not:

- (2) Knowingly engage in or condone behavior that is fraudulent, dishonest, or deceitful, or involves moral turpitude.

.05 Professional Boundaries.

A. A chiropractor and chiropractic assistant shall:

- (1) Maintain professional boundaries, even when the patient initiates crossing the boundaries of the professional relationship; and
- (2) Respect and maintain professional boundaries and respect the patient's reasonable expectation of professional conduct.

COMAR 10.43.15 RECORDKEEPING.

.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.

On July 11, 2015, the Applicant appeared before a Case Resolution Conference (the "CRC") of the Board. As a result of negotiations occurring before the CRC, the Applicant agreed to enter into the following Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order, Consent and Notary.

FINDINGS OF FACT

The Board finds the following:

I. Licensing Information

1. The Applicant was initially licensed to practice chiropractic in the State of Maryland on November 14, 1997, under License Number S01864.

2. The Applicant remained licensed to practice chiropractic in Maryland until 2011, when he submitted a Letter of Surrender, dated March 25, 2011, to the Board, in which he agreed to surrender his license to practice chiropractic in Maryland. On April 4, 2011, the Board formally accepted the Applicant's Letter of Surrender. (see Section II, *infra*).

3. In or around 2012, the Applicant applied for a license to practice chiropractic in the Commonwealth of Pennsylvania. On June 26, 2012, the Pennsylvania State Board of Chiropractic (the "Pennsylvania Board") denied the Applicant's application.

II. Board Investigation and Letter of Surrender, dated March 25, 2011

4. The Board initiated an investigation of the Applicant in 2010 after reviewing a complaint from his former employer (the "Complainant"). The Complainant reported that effective August 17, 2010, the Applicant resigned his position as a chiropractor at her office. The Complainant stated that for the two weeks prior to his resignation, the Applicant intentionally failed to follow office policies, had grown increasingly confrontational and verbally abusive, and "may be involved in consuming drugs and/or alcohol in excess." The Complainant requested that the Applicant "be evaluated and provided with the help he may need, before he injures a patient." The Complainant further reported that the Applicant had lost his driver's license for one year after the Maryland Motor Vehicle Administration suspended his license, and that he shakes uncontrollably at times when he is in the office treating patients.

5. Board investigators interviewed employees from another chiropractic office where the Applicant worked as a chiropractor from in or around October 2009 to

in or around February 2010. The employees stated that the Applicant smelled of alcoholic beverages while working in the office and that he would go out to his automobile several times per day, after which he would return, smelling more intensely of alcohol. When the Applicant left the office to go to his automobile, he left patients unattended, without another chiropractor present, while the patients were receiving physical therapy modalities. The employees stated that the Applicant slept on the floor of his office during the day and that they would have to wake him up when a patient arrived for treatment.

6. One employee stated that the Applicant acknowledged that he was an alcoholic when informing her that he had to miss work to meet with his parole officer regarding a "DWI" (driving while intoxicated) matter. Another employee stated that several patients complained to staff at the office that the Applicant smelled of alcoholic beverages. The employee stated that the Applicant did not review patient charts before treating patients and would instead, just adjust the patients and generally mark a "ditto" in the SOAP notes. The employee stated that a patient informed her that the Applicant never examined him, but that the Applicant documented that he examined the patient. The employee also reported that on a large number of charts, the Applicant documented checking patients' blood pressures, even though there was no blood pressure measuring equipment in the office. The employee also stated that the Applicant watched videos having graphic sexual content on his office computer that were audible to herself and others.

7. The Board's investigation also determined that the Applicant was criminally prosecuted for driving while under the influence of alcohol offenses and underwent treatment for alcohol abuse in 2008.

8. When filing a renewal of his chiropractic license during the 2009-2011 renewal period, the Applicant failed to disclose his alcohol dependency issues or the suspension of his driver's license, despite attesting that the information he provided in his renewal application was true and correct to the best of his knowledge.

9. The Applicant was then informed of the Board's investigation into his alcohol usage/dependency issues, after which the Respondent agreed to execute a Letter of Surrender of his chiropractic license to the Board. In the Letter of Surrender, the Applicant acknowledged the following Board investigative findings:

The Board's investigation determined from 2008 to the present, I: was alcohol-dependent; was admitted for in-patient alcohol treatment in 2008 and 2009; failed to disclose my dependency on alcohol and/or controlled substances when applying for renewal of my chiropractic license in 2009; acted unprofessionally while practicing as a chiropractor in 2010; made false entries or otherwise made misrepresentations in the charts of patients; acted unprofessionally by making inappropriate personal disclosures to patients and co-workers and otherwise violated professional boundaries; and provided chiropractic to patients while smelling of alcohol.

10. The Applicant further acknowledged:

[I]f the case proceeded to an evidentiary hearing, the Board would submit evidence to support the investigatory findings it made in this case. I acknowledge that for all purposes relevant to chiropractic licensure, those investigative findings will be treated as if proven. I admit that those investigative allegations constitute violations of the following provisions of the Act: [Health Occ.] § 3-313(6)(Provides professional services while: (i) under the influence of alcohol); [Health Occ.] § 3-313(8)(Is unethical in the conduct of the practice of chiropractic); [Health Occ.] § 3-313(20)(Behaves immorally in the practice of chiropractic); [Health Occ.] § 3-313(21)(Commits an act

of unprofessional conduct in the practice of chiropractic); and [Health Occ.] § 3-313(27)(Is physically or mentally impaired to the extent that it impairs the . . . licensee's ability to practice chiropractic safely).

11. The Applicant agreed not to seek reinstatement of his chiropractic license for a period of not less than two years from the date the Board executed the Letter of Surrender, and that if he applied for reinstatement, he bore the "the burden of demonstrating to the Board's satisfaction that I am competent to practice chiropractic and have undergone long-term, successful treatment for any problems relating to alcohol or substance abuse."

12. On April 4, 2011, the Board accepted the Applicant's Letter of Surrender.

III. The Application

13. The Applicant submitted his Application to the Board, dated November 21, 2014. In his Application, the Applicant answered "YES" to the following questions in the Application:

Question 13: Has any license, registration, certificate, diploma or any other honor or entitlement been granted to you and subsequently suspended, revoked, withdrawn, or terminated for any reason?

Question 14: Have you ever applied for and been denied or refused any license, registration, certificate, application, or entitlement by any state, federal or local licensing board:

Question 15: Have you ever been charged, arrested, or convicted of any crime (including traffic offenses, misdemeanors and felonies)?

Question 16: Have you ever had any disciplinary action taken against you by any agency for any reason relating to treating the healthcare public or relating to the practice of healthcare services?

Question 17: Are you now or have you ever been reliant on any drug, alcohol, prescription substance or controlled substance or medication?

14. In an attachment to his Application, the Applicant provided further information with respect to the affirmative responses he noted in his Application.

15. With respect to his affirmative response to Question 13, the Applicant acknowledged his Letter of Surrender to the Board and that in 2008, his driver's license was revoked due to a "DUI." (driving while under the influence of alcohol)

16. With respect to his affirmative response to Question 14, the Applicant acknowledged that the Pennsylvania Board denied his application for a license to practice chiropractic in Pennsylvania "due to my DUI misdemeanor."

17. With respect to his affirmative response to Question 15, the Applicant acknowledged that he had been charged and arrested for "DUIs" and driving without a license. The Applicant reported that he was convicted of three "DUIs" and "not convicted of 2 more."¹ The Applicant stated that he turned in his driver's license "as requested."

18. With respect to his affirmative response to Question 16, the Applicant again acknowledged his Letter of Surrender to the Board.

19. With respect to his affirmative response to Question 17, the Applicant stated, "I have been addicted to alcohol, but have been in therapy and AA for over 3 years and I have remained clean and sober throughout the entire time. I still attend AA and will continue to attend meeting (sic) for the rest of my life."

20. In support of his affirmative response to Question 17, the Applicant provided two letters that addressed his: (a) history of participation in alcohol abuse therapy and (b) need for further alcohol treatment.

¹ Board investigation confirmed that in Maryland, the Applicant was found guilty of driving while under the influence of alcohol for incidents occurring in 2008 and 2010, and in another incident occurring in 2010, was convicted of driving on a revoked license.

IV. Grounds for Denial of Application of Reinstatement of Licensure

21. On or about March 23, 2015, the Board issued a document entitled, *Notice of Intent to Deny Application for Chiropractic License Under the Maryland Chiropractic Act*, in which it stated that it had grounds to deny the Applicant's Application pursuant to the following grounds under Health Occ. I § 3-313: Health Occ. § 3-313(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; Health Occ. § 3-313(6), Provides professional services while: (ii) Under the influence of alcohol; Health Occ. § 3-313(8), Is unethical in the conduct of the practice of chiropractic; Health Occ. § 3-313(12), Makes or files a false report or record in the practice of chiropractic; Health Occ. § 3-313(17), Is disciplined by a licensing or disciplinary authority of any other state or country or convicted by a court of any state or country for an act that would be grounds for disciplinary action under this section; Health Occ. § 3-313(19), Violates any rule or regulation in the practice of chiropractic; Health Occ. § 3-313(20), Behaves immorally in the practice of chiropractic; Health Occ. § 3-313(21), Commits an act of unprofessional conduct in the practice of chiropractic; Health Occ. § 3-313(27), Is physically or mentally impaired to the extent that it impairs the applicant's or licensee's ability to practice chiropractic safely; and Health Occ. § 3-313(28), Violates any provision of this title.

22. The Board stated that it had grounds to deny the Applicant's Application in that he did not possess good moral character, a requirement for licensure pursuant to Health Occ. I § 3-302.

23. The Board also stated that it had grounds to deny the Applicant's Application in that he did not demonstrate that he fulfilled certain criteria in order for it to reinstate his chiropractic license, as required under his Letter of Surrender, dated April 4, 2011, including (a) present competence to practice chiropractic; and (b) proof of undergoing long-term, successful treatment for any problems relating to alcohol or substance abuse.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant is in violation of Health Occ. I § 3-313. The Board further finds that the Applicant meets the good moral character requirement for licensure pursuant to Health Occ. I § 3-302, has demonstrated proof of present competence to practice chiropractic and proof of undergoing long-term, successful treatment for any problems relating to alcohol or substance abuse.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 10th day of September, 2015, by a majority of the Board considering this case:

ORDERED that the Applicant's license shall be reinstated; and it is further

ORDERED that the Board shall place the Applicant on **PROBATION** for a minimum period of **THREE (3) YEARS**, subject to his successful completion of the following terms and conditions:

1. The Applicant at all times shall comply with and practice according to the Maryland Chiropractic Act and all laws and regulations pertaining to the practice of dentistry.

2. The Applicant shall remain enrolled in an ongoing alcohol/substance abuse abstinence program (the "Program") and shall ensure that the Program provides quarterly written reports to the Board that address the Applicant's participation in the Program and his sobriety status. The Applicant shall be subject to and shall follow all directives mandated by the Program. The Applicant shall sign all releases and consent forms to ensure that the Board receives all necessary documents and information from the Program.

3. The Applicant shall abstain completely from the use of controlled substances, mood altering drugs, narcotic analgesics and alcoholic beverages, in any form, unless he is a *bona fide* patient of a licensed physician who is aware of the terms of this Consent Order, and such medications are lawfully prescribed by the physician. If the Applicant fails to abstain completely from the use of controlled substances, mood altering drugs, narcotic analgesics and alcoholic beverages, in any form, unless he is a *bona fide* patient of a licensed physician who is aware of the terms of this Consent Order, and such medications are lawfully prescribed by the physician, such failure shall constitute a violation of his probation and a violation of this Consent Order, unless the result is positive for a lawfully prescribed medication by a physician who is prescribing such medications for a *bona fide* medical condition.

AND IT IS FURTHER ORDERED that after the conclusion of the **THREE (3) YEAR** period of probation imposed above, and provided the Applicant has completed the above probationary conditions, he may file a written petition to the Board requesting termination of his probation. After consideration of his petition, the probation may be terminated through an order of the Board or a designated Board committee. The Board,

or designated Board committee, will grant the termination only if the Applicant has fully and satisfactorily complied with all of the probationary terms and conditions of this Consent Order, including the **three (3) year** probationary period set forth above, and there are no outstanding complaints about him before the Board; and it is further

ORDERED that if the Applicant violates any of the terms or conditions of this Consent Order, or the probationary conditions set forth herein, the Board shall provide the Applicant with the opportunity to appear for a show cause hearing before the Board. The Applicant understands and agrees that the Board may impose any other disciplinary sanctions it may have imposed, including a reprimand, probation, suspension, revocation and/or a monetary fine, said violation being proven by a preponderance of the evidence; and it is further

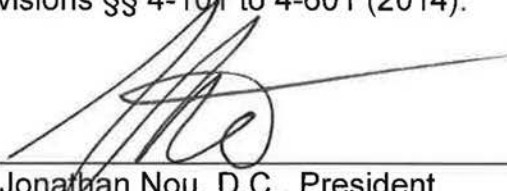
ORDERED that the Applicant shall not apply for early termination of probation; and it is further

ORDERED that the Applicant shall be responsible for all costs incurred under this Consent Order; and it is further

ORDERED that the Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., General Provisions §§ 4-101 to 4-601 (2014).

9/10/15

Date



Jonathan Nou, D.C., President
Maryland State Board of Chiropractic and
Massage Therapy Examiners

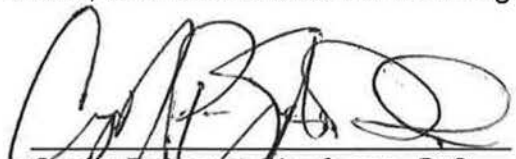
CONSENT

I, Carey Pabouet-Sigafoose, D.C., acknowledge that I have had the opportunity to consult with counsel before signing this document. I admit to the Findings of Fact and accept the Conclusions of Law and by this Consent, I agree and accept to be bound by this Consent Order and its conditions and restrictions.

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 as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal the Board's Final Order in this matter.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

9/1/15
Date


Carey Pabouet-Sigafoose, D.C.
Applicant

NOTARY

STATE OF Maryland
CITY/COUNTY OF: Harford

I HEREBY CERTIFY that on this 1st day of September, 2015, before me, a Notary Public of the State and County aforesaid, personally appeared Carey Pabouet-Sigafoose, D.C., and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Margaret Morgan
Notary Public

My commission expires: 10/26/2017