

IN THE MATTER OF * BEFORE THE
ALEX PARK * STATE BOARD OF
APPLICANT * CHIROPRACTIC EXAMINERS
* Case No: 18-06C

* * * * *

**FINAL ORDER OF DENIAL OF
CHIROPRACTIC ASSISTANT REGISTRATION**

On September 12, 2019, the State Board of Chiropractic Examiners (the “Board”), notified the Applicant, **ALEX PARK**, that it was initially denying him a registration to train as a Chiropractic Assistant (CA) under the Maryland Chiropractic Act (the “Act”), Md. Code Ann., Health Occupations (“Health Occ.”) §§ 3-101 *et seq.* (2014 Repl. Vol. and 2018 Supp.). The Notice informed the Applicant that he had 30 days to request a hearing. More than 30 days have elapsed, and the Applicant failed to request a hearing. Therefore, this Order is Final.

**BASIS FOR DENIAL OF
CHIROPRACTIC ASSISTANT REGISTRATION**

The pertinent provisions of the Act state:

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:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (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 proceedings is pending to have the conviction or plea set aside;
- (12) Makes or files a false report or record in the practice of chiropractic; [and]
- (19) Violates any rule or regulation adopted by the Board [.]

COMAR 10.43.07.05 Chiropractic Applicant or Assistant Qualifications and Training.

- A. At the time of application for hire and training, an applicant shall:
 - (2) Be of good moral character [.]

BASES OF DENIAL

The Board based its decision to deny the registration on the foregoing facts which the Board had reason to believe are true:

BACKGROUND

1. Pursuant to the above regulations, the Applicant's supervising chiropractor, hereinafter Supervising Chiropractor A,¹ submitted an application, dated June 26, 2017, to the Board for the Applicant's registration to be a Chiropractic Assistant in Maryland.
2. The Applicant also submitted an application (the "Application") for "Chiropractic Assistant ...Registration and Examination", dated March 15, 2018.
3. Question Number 5 of the Application asked the following: "Have you ever

¹ The names of individuals and facilities are confidential.

been arrested, charged with a crime, or pled guilty, *nolo contendere (sic)*, no contest, or been convicted or received probation before judgment for any criminal act, including DWI or DUI?" (Emphasis added.) The Applicant marked "No".

4. However, the Applicant's FBI record showed that he was charged by the Alexandria, Virginia Police Department on July 27, 2017 for Felony possession of Schedule II Controlled Substance and DWI. On June 28, 2018, the Applicant was found guilty of possession of Oxycodone and driving under the influence of drugs. He was given one year probation; his driving privilege was restricted; and, he was ordered to complete a Virginia Alcohol Safety Program.

5. When the Board's Investigator tried to contact the Applicant in March 2018 to determine why he falsely answered the Application, the Applicant failed to respond until November 2018 until after the Investigator had spoken to Supervising Chiropractor A. Thereafter, the Applicant emailed the Investigator and apologized for the delay and sent a long letter which blamed the incident on taking "one (pain) pill" ...and pass(ing) out on the shoulder of the road after he pulled the car over that he was driving when he became dizzy.

6. The police found that [the Applicant] was incapable of driving and found pills in [his] pocket. The Applicant stated that he sees his Probation Officer every month where he is drug screened and claims that he does not need any further drug or alcohol counseling.

BASIS OF DENIAL

7. The Applicant falsely answered "NO" to the question of whether he had ever been arrested. When questioned, he tried to justify his answer months later by claiming that

he took one pill which made him dizzy, forcing him to pull the car over to the shoulder and fall asleep until awakened by the police who found various pain pills in his pocket for which he had no prescriptions. The Applicant filed his Application in March 2018, but his arrest was in July 2017. In this case, the Applicant pled guilty to a crime involving driving while under the influence and possession of controlled substances which is a basis for denying an Application for registration as a Chiropractic Assistant.

8. As set forth above, by failing to respond truthfully to the questions regarding criminal activity, the Applicant violated § 3-313 (1) (Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;) (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 proceedings is pending to have the conviction or plea set aside); (12) (Makes or files a false report or record in the practice of chiropractic); and (19) (Violates any rule or regulation adopted by the Board).

9. In failing to respond truthfully to Application Question Number Five, which asked about prior criminal activity, and failing to cooperate with a lawful Board investigation regarding same, the Applicant demonstrated lack of good moral character, in violation of (COMAR) 10.43.07.05.A(2).

CONCLUSIONS OF LAW

Based upon the above, the Board concludes, as a matter of law, that the Applicant violated **Health Occ. § 3-313 (1), (5), (12) and (19) and COMAR 10.43.07.05.A. (2)**.

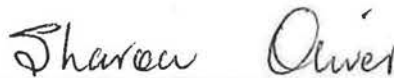
ORDER

As set forth above, the Board hereby Orders that the application to practice as a Chiropractic Assistant in Maryland filed by **ALEX PARK**, the Applicant, be and is **DENIED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions § §4-101 *et seq.* (2014 Vol. and 2018 Supp.).

NOTICE OF RIGHT OF APPEAL

In accordance with § 3-316 of the Act and the Administrative Procedure Act, Md. Code Ann., State Government (State Govt.). §§ 10-201, *et seq.* (2014 Repl. Vol and 2018 Supp.), you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the forecited authority.

01/09/2020
Date



Sharon J. Oliver, Executive Director
Board of Chiropractic Examiners

CONCLUSIONS OF LAW

Based upon the above, the Board concludes, as a matter of law, that the Applicant violated **Health Occ. § 3-313 (1), (5), (12) and (19) and COMAR 10.43.07.05.A. (2)**.

ORDER

As set forth above, the Board hereby Orders that the application to practice as a Chiropractic Assistant in Maryland filed by **ALEX PARK**, the Applicant, be and is **DENIED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions § §4-101 *et seq.* (2014 Vol. and 2018 Supp.).

NOTICE OF RIGHT OF APPEAL

In accordance with § 3-316 of the Act and the Administrative Procedure Act, Md. Code Ann., State Government (State Govt.). §§ 10-201, *et seq.* (2014 Repl. Vol and 2018 Supp.), you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the forecited authority.

01/09/2020

Date



Sharon J. Oliver, MBA, Executive Director
Board of Chiropractic Examiners