

IN THE MATTER OF * BEFORE THE MARYLAND STATE
 KATHERINE RIVERA-TREJO, * BOARD OF CHIROPRACTIC
 (Unlicensed) * EXAMINERS
 APPLICANT * CASE NUMBER: 20-19C

* * * * *
FINAL ORDER OF DENIAL OF APPLICATION FOR CHIROPRACTIC
ASSISTANT TRAINING PROGRAM

On November 13, 2020, the Maryland State Board of Chiropractic Examiners (the "Board") notified KATHERINE RIVERA-TREJO (the "Applicant") of the Board's intent to deny her Application for Chiropractic Assistant Training Program under the Maryland Chiropractic Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 3-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.).

The pertinent provisions of the Act provide as follows:

§ 3-301 Qualifications of applicants.

(a) In general. To qualify for a license, an applicant shall be an individual who:

(1) Submits to a criminal history records check in accordance with §3-302-1 of this subtitle;

...

(b) Moral character. The applicant shall be of good moral character[.]

§3-313. Denials, reprimand, 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:

...

(12) Makes or files a false report or record in the practice of chiropractic[.]

FINDINGS OF FACT

1. On or about July 8, 2020, the Board received by fax from Chiropractor A¹ a Chiropractic Applicant “Request to Employ” Application for C[hiropractic] A[ssistant] Training Program (the “Application for CA Training Program”).

2. The Chiropractic Assistant training program is a structured one-year program of chiropractic training under a Board-licensed supervising chiropractor in order to qualify and apply for a registration as a Maryland registered chiropractic assistant. COMAR 10.43.07.01(4).

3. The Application for CA Training Program included a “Stage 1” questionnaire (the “Questionnaire”) that was completed by the Applicant.

4. The Questionnaire instructed the Applicant to “Please answer truthfully each of the following.”

5. The Applicant answered “No” to Question 2 which asked:

Have you ever been arrested, charged with a crime, or pled guilty, *nolo contendere*, no contest, or been convicted or received probation before judgment 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. In addition, you are provided with a resource link: <https://www.mdd.uscourts.gov/>

6. The Questionnaire required the Applicant the sign before a notary public the following attestation:

¹ Names of individuals other than the Applicant are confidential. The Applicant may obtain this information from the Administrative Prosecutor.

I attest that my answers to the foregoing questions are true and correct to the best of my knowledge, information, and belief. I have attached a copy of my Fingerprinting receipt to this application.

7. The Applicant signed the attestation.

8. Thereafter, the Board initiated an investigation of the Applicant's responses.

9. During the course of its investigation, the Board obtained information from the Applicant that she had pleaded not guilty in Pennsylvania Magisterial District Court to a charge of Retail Theft – Take Merchandise (Pennsylvania Consolidated Statutes, §3929(a)(1)).

10. On or about July 30, 2020, the Applicant provided to the Board a Rescheduling Notice from the Commonwealth of Pennsylvania Magisterial District Court in the matter of *Commonwealth of Pennsylvania v. Katherine Rivera-Trejo*.

11. The Rescheduling Notice stated that the Court, at the Applicant's request, had rescheduled her summary trial from March 3, 2020 to September 15, 2020.

12. The Rescheduling Notice further stated that the Court had received the Applicant's plea of not guilty to the charge of Retail Theft – Take Merchandise.

13. The Applicant failed to respond truthfully to Question 2 on the Questionnaire; specifically, she failed to report that she had been charged with a crime.

BASIS OF DENIAL

14. The Applicant's conduct, as outlined above, constitutes violations of the Act in that:

- a) The Applicant failed to answer truthfully and accurately on the Application for CA Training Program Questionnaire that she had been charged with a crime;
- b) In failing to report that she had been charged with a crime, the Applicant demonstrated a lack of good moral character.

CONCLUSIONS OF LAW

Based on the above, the Board concludes, as a matter of law, that the Applicant made or filed a false record in the practice of chiropractic, in violation of Health Occ. § 3-313(12). The Applicant's conduct demonstrates that she does not meet the good moral character requirement pursuant to Health Occ. §3-301(b).

ORDER

It is, on the affirmative vote of a majority of the quorum of Panel A, hereby

ORDERED that the Applicant's Application for Chiropractic Assistant Training Program, is **DENIED**; and it is further

ORDERED that this is an Order of the Board, and as such, is a **PUBLIC DOCUMENT**, pursuant to Md. Code Ann., Gen. Prov. § 4-333(b)(6).

January 15, 2021

Date



Sharon J. Oliver, MBA

Executive Director

Maryland State Board of Chiropractic Examiners

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 3-316 and the Administrative Procedure Act, Md. Code Ann, State Government (“State Gov’t”) §10-222, the Applicant has the right to seek judicial review of this Final Order. Any petition for judicial review shall be filed within thirty (30) days from the date of this mailing of this Final Order. The cover letter accompanying this Final Order indicates the date it was mailed.