

IN THE MATTER OF

* BEFORE THE STATE BOARD

DANIEL ROBINSON

* OF CHIROPRACTIC

license no. S01364

* EXAMINERS

Respondent

*

* * * * *

CONSENT ORDER

The Maryland State Board of Chiropractic Examiners (the "Board") and Daniel Robinson, D.C., license number S01364, ("Respondent"), hereby enter into this Consent Order to resolve the Charges filed by the Board under the following statutory sections of Health Occupations, Md. Code Ann. § 3-313.

Specifically, the Board charged Respondent with violation of the following provisions:

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, or suspend or revoke a license if the applicant or licensee:

- (8) Is unethical in the conduct of the practice of chiropractic;
- (9) Is professionally incompetent;
- (11) Misrepresents the effectiveness of treatment for financial gain;
- (12) Willfully makes or files a false report in the practice of chiropractic[.]

On August 24, 1999, a second Case Resolution Conference was held. In attendance were Paul Goszkowski, D.C., Board President, Andrea Brisbin, Assistant Attorney General, Board Counsel, Kitty Travagline, Board Executive Director, Richard Bardos and Lisa B. Hall, Assistant Attorneys General, Marc K. Cohen, Esquire and Steven Stern, Esquire, attorneys for Respondent and Respondent.

FINDINGS OF FACT

The Board makes the following findings of fact.

1. At all times relevant to the charges herein, Respondent was licensed to practice chiropractic in the State of Maryland. Respondent currently has a practice at 4140 Crain Highway, Waldorf, Maryland 20603.

2. In or about March or April, 1990, Patient A¹, a twelve year old female child, was taken by her mother to the pediatrician following Patient A's complaints of back pain. Patient A was diagnosed as having scoliosis and the pediatrician recommended that Patient A be seen by an orthopedist. Patient

¹ Patient names are not revealed in charging documents. Respondent will be provided with the Patient names corresponding to this document by contacting the administrative prosecutor and requesting the patient key.

A's spinal curvature due to scoliosis was at that time rated to be approximately 40 degrees.

3. Patient A's mother sought the advice at Respondent's clinic on April 4, 1990.

4. An employee of Respondent initially saw Patient A on April 4, 1990. X-rays were taken of Patient A at that time. Respondent advised the family that intensive treatment in his office could stabilize or improve the spinal curvature and Respondent recommended that Patient A initially receive four (4) chiropractic appointments a week to accomplish this goal.

5. Accordingly, Patient A was seen in Respondent's office for approximately eighty (80) visits during April through December 1990.

6. Patient A primarily received chiropractic treatment from one of Respondent's employees. Respondent continued to provide the family with consultation regarding the care and progress of Patient A's condition.

7. Patient A's chiropractic x-rays demonstrated a 45 degree curvature in December, 1990 using a Cobbs angle. On or about December 27, 1990, Patient A was urgently seen by Ian D. Gordon, M.D. for evaluation of Patient A's spinal curvature. Dr. Gordon

reviewers from which Respondent shall select one name in writing within ten days of receiving the names from the Board. The reviewer shall review the records and provide a written report to the Board of the reviewer's findings. The reviewer shall be paid by Respondent for the record review and report.

D. Respondent shall pay a monetary penalty of \$3,000.00.

E. All costs associated with compliance with the Order shall be borne by Respondent.

F. Respondent shall take an ethics course, pre-approved by the Board, of not less than 20 hours duration.

G. Respondent shall complete conditions A, B, D and F within nine months of the date this Order is signed by the Board.

ORDERED that in the event the Board finds for any reason in good faith that the Respondent has substantially violated any provision of Title 3 of the Health Occupations Article, Maryland Annotated code or the regulations thereunder, or if the Respondent violated any of the foregoing conditions of this Order, the Board, *after notification to the Respondent and an opportunity to be heard, in the case of a violation of this Order, by a Show Cause Hearing only,* may take immediate action or impose any lawful disciplinary sanction it deems appropriate, including but not limited to revocation or

found that Patient's curvature was beyond bracing.

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that by failing to insure Patient A's condition was carefully monitored and properly documented, while receiving treatment at Respondent's clinic, Respondent acted unprofessionally in violation of HO 3-313(9).

ORDER

1. Respondent is hereby REPRIMANDED with the following conditions.

A. Respondent must provide documentation that he has passed the SPEC exam since January, 1997.

B. Respondent must take a record keeping course of at least 15 hours in duration, to be pre-approved by the Board and notify the Board in writing when he has completed the course.

C. Three months after the board receives notice that Respondent has completed the record keeping course, Respondent shall submit to a random record review by a Board designated reviewer of 20 new patient records to be conducted in the following manner: a Board investigator shall randomly select 20 records for new patients who were treated by Respondent since Respondent completed the course on record keeping. The investigator shall identify the names of the patients and Respondent shall provide ^{originals} ~~copies~~ of the complete record for each such patient to the investigator at the time the names are selected. The Board shall provide three names of chiropractic


suspension of Respondent's license to practice chiropractic; and
be it further

ORDERED that the conditions of the Consent Order be, and the
same hereby are, effective as of the date of this Order; and be
it further

ORDERED that for purposes of public disclosure, as permitted
by § 10-617 (h), State Government Article, Maryland Code
Annotated, this document constitutes the Board's Findings of
Fact, Conclusions of Law, and Order, resulting from formal
disciplinary proceedings.

8-24-99

Date


Paul H. Goszkowski, DC
Board President

CONSENT OF DANIEL ROBINSON, D.C.

I, Daniel Robinson, D.C., by affixing my signature hereto,
acknowledge that:

1. I am represented by an attorney.
2. I am aware that without my consent, my license to
practice chiropractic in this State cannot be limited, except

pursuant to the provisions of § 3-313 of the Act and § 10-201 et seq. of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland.

3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby neither admit nor deny the foregoing but I consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order provided the Board adopts the foregoing Final Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in § 3-315 of the Act and § 10-201 et seq. of the Administrative Procedure Act except on connection with any alleged violation of this Order. I acknowledge that by failing to abide by the conditions set forth in this Order, I may, after an opportunity to be heard at a Show Cause Hearing only, suffer disciplinary action, including revocation of my license to practice chiropractic in the State of Maryland.

8-24-99

DATE

Daniel W. Robinson,

D.C.

Daniel Robinson, D.C.