

IN THE MATTER OF
PHILIP ROMANO, D.C.

Respondent

License Number 01881

* BEFORE THE STATE BOARD OF
* CHIROPRACTIC EXAMINERS
* Case No. 03-59C

* * * * *

CONSENT ORDER

Based on information received and a subsequent investigation by the Maryland State Board of Chiropractic Examiners (the "Board") charged Philip Romano, D.C. (the "Respondent"), License Number 01881, with violating certain provisions of the Maryland Chiropractic Act (the "Act"), Md. Health Occ. Code Ann. §§ 3-101 *et seq.* (2000 Repl. Vol.). Specifically, the Board charged the Respondent with violation of the following provisions of § 3-313:

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:

- (18) Practices chiropractic with an unauthorized person or supervises or aids an unauthorized person in the practice of chiropractic;
- (19) Violates any rule or regulation adopted by the Board[.]

The regulations with which the Board charged the Respondent with violating are Code Md. Regs. ("COMAR") tit. 10, § 43:

Chapter 07 Chiropractic Assistants

.01 Definitions

B. Terms Defined.

(5) "Supervising chiropractor" means a chiropractor licensed by the Board in chiropractic with the right to practice physical therapy as set forth in Health Occupations Article, § 3-301(c), Annotated Code of Maryland.

.02 Board Approval Required.

- A. A supervising chiropractor shall apply for and receive approval from the Board before undertaking to train or supervise a new applicant or chiropractic assistant.

The Respondent was given notice of the Board's charges, and a Case Resolution Conference was held on July 14, 2005. In attendance at the Case Resolution Conference were the Respondent, Paul J. Weber, Esquire, the Respondent's attorney, James C. Anagnos, Assistant Attorney General/Administrative Prosecutor, Grant Gerber, Board Counsel, Marc Gamerman, D.C., Board Vice President, and Mary Anne Hucek, Board member. Following the Case Resolution Conference, the parties agreed to resolve the matter by way of a Consent Order, which includes Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds:

1. At all times relevant to the charges herein, the Respondent was licensed to practice chiropractic with a right to practice physical therapy in the State of Maryland. The Respondent was first licensed to practice chiropractic in the State of Maryland on March 18, 1998. At all times relevant to the charges herein, the Respondent practiced at 18120 Hillcrest Avenue, Olney, Maryland.

2. The Board received a complaint from a former employee of the Respondent alleging that the Respondent allowed his wife, Ilene Romano, to administer physical therapy to patients when the office was busy.

3. At the time that Mrs. Romano was performing these tasks she was not registered with the Board as a chiropractic assistant (CA), and the Board was not notified that she was a CA trainee until August 23, 2004, which was after the conduct alleged of in the complaint.

4. The Board's investigator interviewed the Respondent on September 14, 2004.

5. The Respondent stated under oath that although Mrs. Romano was not registered with the Board as a CA, she performed physical therapy on patients.

6. The Respondent stated that Mrs. Romano was involved in the treatment of patients who underwent hydrotherapy, ultrasound, and/or electrical stimulation.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated H.O. §§ 3-313(18) and (19)—*to wit*, COMAR 10.43.07.02.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law, and agreement of the parties, it is this 20th day of OCT, 2005, by a majority of a quorum of the Board,

ORDERED that the Respondent is hereby **REPRIMANDED**; and it is further

ORDERED that the Respondent shall be placed on **PROBATION** for One (1) Year from the effective date of this Consent Order, during which time the Respondent shall: (a) take and pass a Board-approved ethics course, (b) take and pass a Board-approved record-keeping course; and (c) pay to the Board for disposition into the General Fund of the State of Maryland a penalty of One Thousand Dollars (\$1,000.00); and it is further

ORDERED that this Consent Order is effective as of the date of its signing by the Board; and be it further

ORDERED that should the Respondent violate the terms of this Consent Order or should the Board receive in good faith information that the Respondent has substantially violated the Act, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of this Consent Order shall be on the Respondent to demonstrate compliance with this Consent Order; and it is further

ORDERED that the Respondent shall practice in accordance with the laws and regulations that govern the practice of chiropractic in the State of Maryland; and it is further

ORDERED that the Respondent shall be responsible for all costs associated with this Consent Order; and it is further

ORDERED that for purposes of public disclosure, as permitted by Md. State Govt. Code Ann. § 10-617(h) (Repl. Vol. 2004), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order and that the Board may also disclose same to any national reporting data bank to which it is mandated to report.

OCT 20 2005

Date

Marc Gamerman
Marc Gamerman, D.C., President
State Board of Chiropractic Examiners

CONSENT OF PHILIP ROMANO, D.C.

I, Philip Romano, D.C., by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, and have been advised by him of the legal implication of signing this Consent Order.

2. I am aware that without my consent, my license to practice chiropractic in the State of Maryland cannot be limited except pursuant to the provisions of § 3-313 of the Act and the Administrative Procedure Act, Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2004 Repl. Vol.).

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

4. By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law, and Order, provided that the Board adopts the foregoing 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 the Administrative Procedure Act, and any right to appeal as set forth in § 3-316 of the act and the Administrative Procedure Act.

5. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice chiropractic in the State of Maryland.

10/10/05
Date

Philip Romano
Philip Romano, D.C.

STATE OF Maryland

CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 10th day of October, 2005,
before me, a Notary Public of the foregoing State and City/County, personally appeared
Philip Romano, D.C., License Number 01881, and made oath in due form of law that
signing the foregoing Consent Order was his voluntary act and deed, and the statements
made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Jayne M. Pampuro
Notary Public

My Commission Expires: 2/1/08