

IN THE MATTER OF

* BEFORE THE STATE BOARD

LEONARD R. SHEFTS, D.C.

* OF CHIROPRACTIC

License No. 01690

* EXAMINERS

Respondent

* BOARD FILE NO. 99-14

* * * * *

CONSENT ORDER

The Maryland State Board of Chiropractic Examiners (the "Board") charged **Leonard R. Shefts, D.C. (D.O.B. 08/18/1964), License No. 01690** ("the Respondent"), with violation of certain provisions under the Maryland Chiropractic Act (the "Act"), codified at MD. CODE ANN., HEALTH OCC. ("Health Occupations") § 3-301 et seq. (1994 Repl. Vol and 1999 Supp.).

Specifically, the Board charged the Respondent with violating the following provisions of § 3-313 of the Act:

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:

- (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;
- (21) Commits an act of unprofessional conduct in the practice of chiropractic; [or]
- (25) Submits false statements to collect fees for which services were not provided[.]

A Case Resolution Conference was held on November 9, 2000, and was attended by the Respondent; James P. Gleason, Jr., counsel to the Respondent; James C. Anagnos, Assistant Attorney General and Administrative Prosecutor; Jack Murray, D.C., Board liaison; Brian Ashton, D.C., Board liaison, and Richard Bloom, Assistant Attorney General and counsel to the Board. Following the Case Resolution Conference, the Respondent and the Board agreed to resolve the matter by way of settlement. As a result of the Case Resolution Conference, the Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, and Order, with the terms and conditions set forth below.

FINDINGS OF FACT

The Board makes the following Findings of Facts:

1. At all times relevant to the charges herein, Respondent was and currently is licensed to practice chiropractic in the State of Maryland, being issued License Number 01690 by the Board on June 10, 1994.

Patient A¹

2. Patient A was a patient of the Respondent from November

¹Patient names are confidential. The Respondent, however, was made aware of the identify of the patient prior to entering into this Consent Order.

18, 1998 until February 17, 1999.

3. Patient A was being treated by the Respondent for neck, shoulder, and back pain stemming from an automobile accident that occurred in February 1998.

4. Patient A's bills for treating with the Respondent were being paid by Allstate, Patient A's automobile insurance carrier, under the Personal Injury Protection (PIP) coverage afforded under her policy.

5. In March 1999, Allstate sent to Patient A a copy of the billing statement that the Respondent had submitted to Allstate for Patient A's treatment between November 1998 and February 1999.

6. Patient A reviewed the billing statement and noticed that the Respondent billed for three dates on which she did not receive treatment by the Respondent.

7. The billing statement, as well as the Respondent's treatment notes, indicate that Patient A was treated by the Respondent on November 27, 1998, December 21-23, 1998, and December 26, 1998.

8. Patient A was not treated by the Respondent on November 27, 1998, as it was the day after Thanksgiving. Patient A recalls being up late on Thanksgiving and not having treatment with the Respondent on the following day.

9. Patient A was not treated by the Respondent on three consecutive days from December 21-23, 1998. Patient A remembers that she did not have three consecutive days of treatment during the week preceding Christmas.

10. Patient A did not treat with the Respondent on December 26, 1998, as it was the day after Christmas. Patient A recalls spending Christmas night at her sister's house and not treating with the Respondent the following day.

11. On March 24, 1999, Patient A telephoned the Respondent to discuss the billing statement.

12. The Respondent offered Patient A one month of free chiropractic treatment and offered to contact the Allstate adjuster. Both offers were refused by Patient A.

13. The Respondent advised the Board that he offered Patient A this treatment because he did not believe that the patient's desire for additional chiropractic treatment could be attributed to the accident, and therefore he could not ethically bill the insurance company for such treatment. Patient A had additional insurance benefits available under the existing policy. The Respondent states that it was not his motive or intention in offering free care to discourage Patient A from making a complaint to the Board.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that the Respondent violated Health Occupations §§ 3-313(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); (21) (commits an act of unprofessional conduct in the practice of chiropractic); and (25) (submits false statements to collect fees for which services were not provided).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 14th day of December 2000, by a majority of the full authorized membership of the Board considering this case:

ORDERED that the Respondent is **REPRIMANDED** with the following conditions:

A. The Respondent is assessed a monetary penalty in the amount of Five Hundred Dollars (\$500.00) to be paid to the Board within 90 days from the date that this Consent Order is executed for payment into the General Fund of the State of Maryland;

B. The Respondent shall within one year of the execution of this Consent Order take an ethics course of at least 20 hours in duration to be pre-approved by the Board, and notify the Board in writing when he has completed the course;

C. The Respondent shall within one year of the execution of this Consent Order take a record keeping course of at least 20 hours in duration to be pre-approved by the Board, and notify the Board in writing when he has completed the course; and be it further

ORDERED that all costs associated with compliance with this Order shall be borne by the Respondent; and be it further

ORDERED that in the event the Board finds for any reason in good faith that the Respondent has violated any of the foregoing conditions of this Consent Order, the Board, after notification to the Respondent and an opportunity to be heard 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 suspension of the Respondent's license to practice chiropractic in the State of Maryland; and be it further

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

ORDERED that this Consent Order is considered a public document pursuant to MD. CODE ANN., STATE GOV'T ("State Government") §§ 10-611 *et seq.*

Dec 14, 2000

Date

Paul H. Goszkowski

Paul Goszkowski, D.C.

President

Board of Chiropractic Examiners

CONSENT OF LEONARD R. SHEETS, D.C.

I, Leonard R. Sheets, 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 the State of Maryland cannot be limited, except pursuant to the provisions of § 3-313 of the Maryland Chiropractic Act, and the provisions of the Maryland Administrative Procedure Act codified at State Government §§ 10-201 et seq.

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 submit to the foregoing Findings of Fact, Conclusions of Law, and Order, provided that the Board adopts the foregoing Consent Order in its entirety. 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 affirm that I am waiving my right to appeal.

5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may, after an opportunity to be heard, suffer disciplinary action, including the revocation or suspension of my license to practice chiropractic in the State of Maryland.

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

11/29/00
Date

Leonard R. Shefts
Leonard R. Shefts, D.C.

STATE OF: Maryland

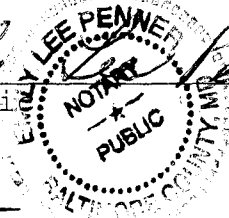
CITY/COUNTY OF: Baltimore

I HEREBY CERTIFY that on this 29th day of November 2000, before me, a Notary of the State of Maryland, and (City/County) Baltimore, personally appeared Leonard Ross Shefts, D.C., License No. 01690, and made oath in DL # S-132-507-744-645.

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 WITNESS my hand and Notarial Seal.

Lee Penner
Notary Public



My Commission Expires: 4-01-02