

STEPHEN H. WANDER, DC

12/5/23
Date

Paul Abosh, D.C.
Board President
Maryland State Board of Chiropractic Examiners
4201 Patterson Avenue
Baltimore, Maryland 21215

RE: Surrender of Chiropractic License
License Number: S01924
Case Number: 21-08C

Dear Dr. Abosh and Members of the Board:

Please be advised that I have decided to **SURRENDER** my license to practice as a chiropractor in the State of Maryland, License Number: S01924 effective immediately. I understand that upon surrender of my license, I may not practice as a chiropractor with or without compensation, or otherwise engage in the practice of chiropractic in the State of Maryland as it is defined in the Maryland Chiropractic Act (the "Act"), Md. Code Ann., Health Occupations. ("Health Occ.") §§ 3-101 *et seq.*, (2021 Repl. Vol. & 2023 Supp.) and other applicable laws. In other words, as of the effective date of this Letter of Surrender, I understand that I am in the same position as an unlicensed individual in the State of Maryland.

I understand that this Letter of Surrender is a **PUBLIC DOCUMENT** and, on the Board's acceptance, becomes a **FINAL ORDER** of the Board.

My decision to surrender my license to practice as a chiropractor in the State of Maryland has been prompted by an investigation of my license by the Maryland State Board of Chiropractic Examiners (the "Board"). The results of the investigation led the Board to issue disciplinary charges against me on or about May 11, 2023, under Case Number: 21-08C.

I have decided to surrender my license to practice as a chiropractor in the State of Maryland to avoid further prosecution of the disciplinary charges now pending before the Board. I acknowledge that the Board initiated an investigation of this matter and issued disciplinary charges against me under the Act and Code of Md. Regs ("COMAR").

After its investigation, the Board charged me with violating the following:

Health. Occ. § 3-313 7-509:

- (19) Violates any rule or regulation adopted by the Board;
- (21) Commits an act of unprofessional conduct in the practice of chiropractic;
- (28) Violates any provision of this title [.]

Health Gen. § 4-403 Retention, destruction of medical record

- (e) After the death, retirement, surrender of the license, or discontinuance of the practice or business of a health care provider, the health care provider, the administrator of the estate, or a designee who agrees to provide for the maintenance of the medical records of the practice or business and who states, in writing to the appropriate health occupation board within a reasonable time, that the records will be maintained in compliance with this section, shall:
 - (1) Forward the notice required in this section before the destruction or transfer of medical records; or
 - (2) Publish a notice in a daily newspaper that is circulated locally for 2 consecutive weeks:
 - (i) Stating the date that the medical records will be destroyed or transferred; and
 - (ii) Designating a location, date, and time where the medical records may be retrieved, if wanted.

The Board also charged me with violating the following provisions of COMAR.

COMAR 10.43.01.05 Licenses.

- F. The license holder shall notify the Board of any change in the name or address of the license holder, in writing, within 60 days after the change occurs[.]

COMAR 10.43.14.03 Record Keeping.

- E. Maintenance and Release of Patient Records.

- (4) The chiropractor shall maintain records in accordance with Health-General Article, §4-403, Annotated Code of Maryland.

COMAR 10.43.14.04 Relationship with Patient.

A. A chiropractor shall:

- (3) Terminate a professional relationship with a patient in an appropriate manner, such as:
 - (a) Providing the patient with sufficient notice to permit the patient to obtain the services of another professional;
 - (b) Assisting the patient by providing referrals if appropriate; or
 - (c) Continuing to provide emergency treatment to the patient if treatment is required before a reasonable time has passed to allow the patient to obtain the services of another health care provider;
- (5) Make the written records of treatment available to the patient upon request, in compliance with applicable laws for disclosure of medical records[.]

The Board's charging document made the following allegations:

The Respondent owned and operated a chiropractic practice (the "Practice") in Maryland.¹ The Practice had two locations in Maryland. One location was in Rockville ("Rockville Location") and the other location was in Gaithersburg ("Gaithersburg Location").² On or about July 29, 2021, the Board received a complaint from the complainant ("Patient A"). Patient A began receiving treatment from the Practice on or about January 20, 2020. Patient A was treated at the Rockville Location. Among other things, Patient A alleged in her complaint that she went to the Rockville location and discovered that it was closed.

¹ The names of the Practice and Patient A have been omitted to protect privacy. Until September 2021, the Practice locations on file with the Board were in Rockville and Gaithersburg, Maryland.

An investigation conducted by Board staff revealed the following:

- a. Patient A was initially evaluated by the Respondent. After Patient A's initial evaluation, Patient A received most of her treatment from another practitioner at the Practice.
- b. Patient A received in-person treatments at the Rockville location between January 2020 and March 2020.
- c. In or around March 2020, the Respondent ended in-person patient care at his Practice locations because of Covid restrictions. Subsequently, the Respondent and the other practitioners at the Practice began seeing patients remotely. The Practice never reopened for in-person patient care.
- d. On or about August 14, 2020, Patient A sent the Respondent a text message requesting an in-person visit to address concerns she was having with her treatment progress. In response to Patient A's text message, the Respondent stated "You [are] every person was [sic] told because of Covid there is no physical office, please check all your previous communication." Patient A confirmed the closure of the Practice from a Facebook post and going to the Rockville location.

In letters dated August 3, 2021, Board staff informed the Respondent of Patient A's complaint and requested that he provide the Board with a written response to her complaint. A copy of Patient A's complaint and a subpoena requesting Patient A's medical records were also included with the letters. The letters sent to the Respondent using certified mail to the Respondent's Practice locations that were on file with the Board.³ After the letters were returned as undeliverable by the United States Postal Service, the letters were sent to the Respondent's email address. The Respondent acknowledged receipt of the email.

On August 3, 2021, Board staff discovered after obtaining the Respondent's driving license information from the Maryland Motor Vehicle Administration ("MVA"), that he had surrendered his Maryland driving license for a Tennessee driver's license in March 2021.⁴ Board staff also discovered that the Respondent was issued a chiropractic license in

³ The letters were sent using certified mail.

⁴ The Respondent's home address on file with the Board was in Maryland.

Tennessee in June 2020. The Respondent did not notify the Board that he had closed the Practice and moved to Tennessee until September 2021.

In September 2021, the Respondent notified the Board of a change in his home and Practice addresses. The Respondent removed the Rockville locations on file with the Board, but he did not remove the Gaithersburg location, even though both Practice locations were closed. He also changed his Maryland home address that was on file with the Board to a Tennessee address.

The Respondent also failed to provide information to the Board that is required under Health Gen. § 4-403 pertaining to the destruction and/or retention of the patient records of the Practice.

On October 28, 2021, the Respondent was interviewed under oath by Board staff. During the interview, the Respondent admitted that he stopped seeing patients for in-person care at the Rockville location in March 2020 or April 2020 and the Gaithersburg location had been closed since 2012. When asked whether he maintains a practice in Maryland, the Respondent stated that "I do not."

I wish to make clear that I have voluntarily, knowingly, and freely chosen to submit this Letter of Surrender to avoid prosecution of the aforementioned charges under the Act. I acknowledge that if the case were to proceed to an evidentiary hearing, the State would be able to prove by a preponderance of the evidence that I violated the Act and COMAR as charged.

I understand that the Board will advise the National Practitioners' Data Bank of this Letter of Surrender, and in any response to any inquiry, that I have surrendered my license in lieu of further disciplinary action under the Act. I also understand that in the event I would apply for license in any form in any other state or jurisdiction, that this Letter of Surrender and the underlying investigative documents including the Notice of Intent to Revoke may be released or published by the Board to the same extent as a final order that would result from disciplinary action, pursuant to the Maryland Public Information Act, Md. Code Ann., General Provisions § 4-101 *et seq.*, and that this Letter of Surrender is considered a disciplinary action by the Board.

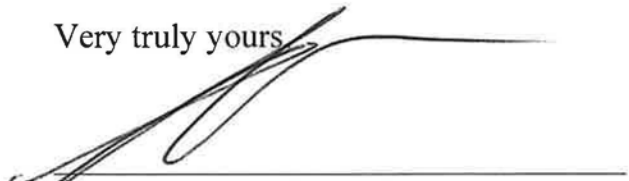
I understand that by executing this Letter of Surrender I am waiving any right to contest the charges in a formal evidentiary hearing at which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf and

all other substantive and procedural protections provided by law, including the right to appeal.

I affirm that on or before the date of the Board's acceptance of this Letter of Surrender, I will provide Board staff my chiropractic licenses. I understand that I may apply for reinstatement of my license to practice chiropractic no earlier than three (3) years from the Board's acceptance of this Letter of Surrender. If I apply for reinstatement of my Maryland chiropractic license, the Board has full discretion to grant or deny my reinstatement. If the Board does grant reinstatement, it may impose any terms and conditions the Board considers appropriate for public safety and the protection of the integrity and reputation of the profession. I understand that when applying for reinstatement, I will approach the Board in the same posture as one whose license has been revoked. I also understand that if I apply for reinstatement, I will bear the burden of demonstrating my professional competence and fitness to practice chiropractic to the satisfaction of the Board.

I understand that I may not rescind this Letter of Surrender in part or in its entirety for any reason. Finally, I wish to make clear that I have been advised of my right to be represented by the attorney of my choice throughout proceedings before the Board, including the right to counsel with an attorney prior to signing this Letter of Surrender. I understand both the nature of the Board's actions and this Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. I voluntarily choose to surrender my Maryland license to practice chiropractic pursuant to the terms and conditions set out herein. I made this decision knowingly and voluntarily.

Very truly yours,



Stephen H. Wander, D.C.

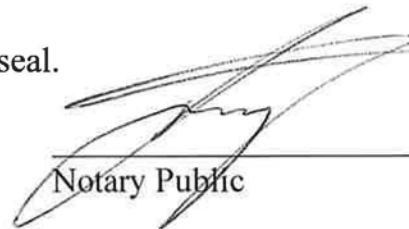
NOTARY

STATE OF Texas

CITY/COUNTY OF Montgomery

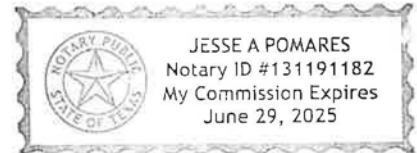
I HEREBY CERTIFY that on this 5th day of December, 2023, before me, a Notary Public of the State and City/County aforesaid, personally appeared, **STEPHEN H. WANDER D.C.**, License Number: S01924 and declared and affirmed under the penalties of perjury that signing the foregoing Letter of Surrender was her voluntary act and deed.

AS WITNESS my hand and Notarial seal.



Notary Public

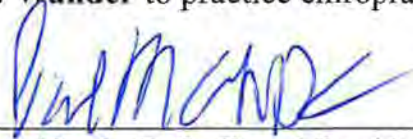
My Commission expires: June 29th 2023



Stephen H. Wander, D.C.
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ACCEPTANCE

On this 19TH day of DECEMBER 2023, I, Paul Abosh, D.C., Board President, on behalf of the Maryland State Board of Chiropractic Examiners, accept the **SURRENDER** of the license of **Stephen H. Wander** to practice chiropractic in the State of Maryland.



Paul Abosh, D.C., Board President
Maryland State Board of Chiropractic
Examiners