

IN THE MATTER OF
DANIEL T. WISE, D.C.

Respondent

License Number: S01332

* BEFORE THE MARYLAND STATE
* BOARD OF CHIROPRACTIC AND
* MASSAGE THERAPY EXAMINERS
* Case Number: 13-82C

* * * * *

CONSENT ORDER

On or about May 28, 2014, the Maryland State Board of Chiropractic and Massage Therapy Examiners (the "Board") charged **Daniel T. Wise, D.C.** (the "Respondent"), License Number S01332, under the Maryland Chiropractic Act (the "Act"), codified at Md. Code Ann., Health Occ. ("Health Occ.") §§ 3-101 *et seq.* (Repl. Vol. 2009).

Specifically, the Board charged the Respondent with violating the following provisions of the Act:

§ 3-313. Denials, reprimands, 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:

- (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.

Under Health Occ. §3-313(19), shown above, the Board charges the Respondent with violating the following specific regulations adopted by the Board, found at Code Md. Regs. ("COMAR") 10.43.01.00 *et seq.*:

COMAR 10.43.01.05 Licenses.

B. An individual practicing chiropractic without a license shall be prosecuted and subject to penalties as prescribed in Health Occupations Article, Title 3, Subtitle 5, Annotated Code of Maryland.

COMAR 10.43.14.07 Education and Training.

A. A chiropractor or chiropractic assistant shall:

(2) Be current in the qualifications to practice, including meeting continuing education requirements established by the Board.

Under Health Occ. §3-313(28), shown above, the Board charges the Respondent with violating the following specific provision of the Act:

§ 3-501. Practicing without license

(a) Chiropractors. -- Except as otherwise provided in § 3-404 of this title, a person may not practice, attempt to practice, or offer to practice chiropractic in this State unless licensed by the Board.

On July 10, 2014, a Case Resolution Conference ("CRC") was held before a committee of the Board. As a resolution of this case, the Respondent agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds the following.

1. The Respondent was originally licensed to practice chiropractic in Maryland on or about December 11, 1986 under license number S01332. The Respondent's license is current through September 1, 2015.

2. At all times relevant hereto, the Respondent maintained an office to practice chiropractic located at 14307 Jarrettsville Pike, Phoenix, Maryland 21131 (the "Phoenix Office").

3. On or about December 9, 2013, a Board Compliance Officer (the "Compliance Officer") received a telephone call from the Respondent, who stated that he had failed to renew his license by the required deadline of September 1, 2013. The Respondent stated that he had forgotten to renew and had not received the Board's renewal notice. Rather, his insurance company had alerted him to his unlicensed status.

4. The Respondent also stated that since the September 1, 2013 deadline, he nevertheless had continued to practice chiropractic in Maryland. The Compliance Officer reminded the Respondent that he was not permitted to practice without a current license and advised him to cease practice immediately.

5. On or about December 11, 2013, the Board received a letter from the Respondent, dated December 9, 2013, that stated, "I don't know how this happened, but my license was not renewed," and requested information on how to renew.

6. Based on the Respondent's telephone call and letter, the Board began an investigation.

7. On or about December 11, 2013, in furtherance of the investigation, a Board Investigator (the "Investigator") conducted an unannounced site visit to the Respondent's Phoenix Office.

8. Upon arriving, the Investigator observed that patients were still being treated. When the Investigator asked to see the Respondent, the receptionist informed him he would have to wait because the Respondent was treating a patient.

9. Upon meeting with the Respondent, the Investigator again reminded him that he was not authorized to treat patients until he renewed his license.

10. In a letter dated December 11, 2013, the Respondent wrote to the Board that he had "no excuse" for not renewing his license and took "full responsibility" for the "gravely urgent situation."

11. On or about December 13, 2013, the Board received the Respondent's Reactivation and Reinstatement Application.

12. On or about December 16, the Board renewed the Respondent's license.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's conduct as described above, including practicing without a valid license during September, October, November, and December, 2013, violates the specific provisions of the Act and of the Board's regulations cited above.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the Board, hereby:

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

ORDERED that the Respondent shall pay to the Board a fine of \$300, due within 30 days of the effective date of this Order; and it is further

ORDERED that if the Respondent fails to comply with any term or condition of this Consent Order, after an opportunity to be heard, the Board may impose a further sanction, including reprimand, probationary terms and conditions, the suspension or revocation of his license, and/or fine; and it is further

ORDERED that this Consent Order shall be a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't. § 10-611 *et seq.* (2009 Repl. Vol.).

CONSENT

I, Daniel T. Wise, D.C., acknowledge that I have had the opportunity to consult with counsel at this and all stages of this matter but have declined the opportunity. I understand that this Consent Order will resolve the Charges issued against me in this matter. By this Consent, I agree to be bound by the terms of this Consent Order. I acknowledge that for all purposes, the Findings of Fact and the Conclusions of Law contained in this Consent Order will be treated as if proven and/or 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 provided by the law. I agree to forego my opportunity to challenge these Findings of Fact and Conclusions of Law. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I waive my right to any appeal in this matter. I affirm that I have asked and received satisfactory answers to all my questions regarding the language, meaning, and terms of this Consent Order. I sign this Consent Order, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, and terms of this Consent Order.

7/24/14
Date

Daniel T. Wise DC
Daniel T. Wise, D.C.

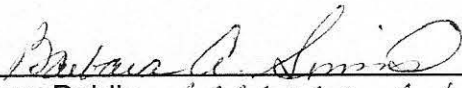
NOTARY

STATE OF MARYLAND

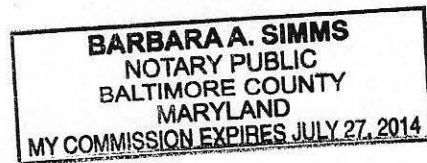
CITY/COUNTY OF BALTIMORE

I HEREBY CERTIFY that on this 24 day of JULY, 2014,
before me, a Notary Public of the foregoing State and City/County personally appeared
Daniel T. Wise, and made oath in due form of law that signing the foregoing Consent
Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.

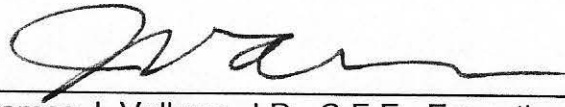

Notary Public BARBARA A. SIMMS

My commission expires:



7-30-14

Date



James J. Vallone, J.D., C.F.E., Executive Director
m. F. ...
For Stephanie Chaney, D.C., President
Maryland State Board of Chiropractic
and Massage Therapy Examiners