

IN THE MATTER OF
JULIET WORLEY, D.C.
Respondent

* BEFORE THE
* STATE BOARD OF
* CHIROPRACTIC EXAMINERS

License Number: S01865

* Case Number: 06-09C

.....
CONSENT ORDER

PROCEDURAL BACKGROUND

On December 12, 2006, the State Board of Chiropractic Examiners (the "Board") charged Juliet Worley, D.C. (the "Respondent") (D.O.B. 07/05/68), License Number S01865, under the Maryland Chiropractic Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 3-101 *et seq.* (2005 Repl. Vol.) and Code Md. Regs. ("COMAR") tit. 10, § 43.07 *et seq.* and tit. 10, § 43.14 *et seq.*

Specifically, the Board charged the Respondent with violating the following provisions of the Act under H.O. § 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:

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

(26) Misrepresents qualifications, education, training, or clinical experience; [and/or]

(28) Violates any provision of this title.

The Board also charged the Respondent with violating the following COMAR provisions:

COMAR 10.43.07 CHIROPRACTIC ASSISTANTS

COMAR 10.43.07.02 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.
- C. The approval of an application by the Board for the training and supervision of an applicant and chiropractic assistant are subject to compliance with guidelines in this chapter.

COMAR 10.43.07.06 Responsibilities of the Supervising Chiropractor.

- E. The supervising chiropractor shall submit to the Board a notice of chiropractic assistant training before any chiropractic assistant training.

COMAR 10.43.07.07 Supervision Requirements.

- A. The supervising chiropractor shall ensure that a chiropractic assistant or an applicant performs the authorized procedures or activities under the direct supervision of the supervising chiropractor.

COMAR 10.43.07.08 Activities That May Be Performed by Chiropractic Assistants and Applicants Under Supervision.

A chiropractic assistant and an applicant may perform the following activities under direct supervision:

- A. Functional activities, such as activities of daily living;
- B. Gait practice and ambulation;
- C. Routine follow-up of specific exercise;
- D. Transfer;

- E. Contrast baths;
- F. Hot and cold packs;
- G. Hubbard tank;
- H. Infrared and ultraviolet irradiation;
- I. Muscle stimulation/electrotherapy;
- J. Paraffin baths;
- K. Traction therapy;
- L. Ultrasound;
- M. Whirlpool; and
- N. Diathermy.

COMAR 10.43.07.09 Prohibited Acts.

A chiropractic assistant and an applicant may not engage in the following activities:

- A. Communicate an evaluation to a patient or other parties without the authorization of the licensed chiropractor.
- B. Perform an act that requires the professional skill or judgment of a licensed chiropractor;
- C. Perform therapeutic massage; or
- D. Take x-rays.

COMAR 10.43.07.10 Practicing Without Registration.

Except as otherwise provided in these regulations, a person may not practice, attempt to practice, or offer to practice as a chiropractic assistant in this State unless registered by the Board.

COMAR 10.43.14 CODE OF ETHICS

COMAR 10.43.14.03 Standards of Practice.

- A. A chiropractor and chiropractic assistant shall concern themselves primarily with the welfare of the patient.
- B. A chiropractor and chiropractic assistant shall:
 - (1) Be professional in conduct, with honesty, integrity, self-respect, and fairness;
 - (5) At all times respect the patient's dignity, autonomy, and privacy;
 - (6) Practice chiropractic only as defined in the scope of practice set forth in Health Occupations Article, § 3-101(f) and (g), Annotated Code of Maryland;
 - (7) Provide chiropractic assistance only within the parameters set forth in Health Occupations Article, § 3-404, Annotated Code of Maryland, and COMAR 10.43.07;
- C. A chiropractor and chiropractic assistant may not:
 - (1) Misrepresent credentials, qualifications, or affiliations and shall attempt to correct others who misrepresent the chiropractor's or the chiropractic assistant's credentials, qualifications, or affiliations;
 - (2) Knowingly engage in or condone behavior that is fraudulent, dishonest, or deceitful, or involves moral turpitude.

COMAR 10.43.14.05 Professional Boundaries.

- A. A chiropractor and chiropractic assistant shall:
 - (1) Maintain professional boundaries, even when the patient initiates crossing the boundaries of the professional relationship; and
 - (2) Respect and maintain professional boundaries and respect the patient's reasonable expectation of professional conduct.

COMAR 10.43.14.06 Records, Confidentiality, and Informed Consent.

A chiropractor shall:

- A. Respect and maintain the privacy and confidentiality of the patient;

- B. Disclose the patient's records or information about the patient only with the patient's consent or as required by law;
- C. Adequately safeguard confidential patient information, including storage and disposal of records.

On April 19, 2007, a Case Resolution Conference (the "CRC") was convened before the Board with respect to the above charges. Based on negotiations that occurred before the CRC, the Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following findings:

Background Findings

1. At all times relevant, the Respondent was and is licensed to practice chiropractic in the State of Maryland. The Respondent was initially licensed to practice chiropractic in Maryland on November 24, 1997, under License Number S01865.
2. At all times relevant, the Respondent operated an office for the practice of chiropractic at 8305 Liberty Road, Baltimore, Maryland 21244.
3. The Board initiated an investigation of the Respondent after reviewing a complaint, dated February 26, 2006, against her from a former patient (hereinafter "Patient A").¹ Patient A reported, *inter alia*, that the Respondent: billed for chiropractic services that were not provided; billed for services that were provided by a chiropractic assistant; and permitted a chiropractic assistant to provide unauthorized procedures or services.

¹ For confidentiality purposes, patient names have not been used in this Consent Order. The Respondent is aware of the identity of all individuals referenced in this Consent Order.

4. Based on the above complaint, the Board initiated an investigation of the Respondent's practice. During its investigation, the Board reviewed additional allegations involving the Respondent's post-treatment attempts to contact Patient A. The Board's investigative findings are set forth *infra*.

Treatment-Related Findings

5. Patient A, then a 35-year-old woman, sought chiropractic treatment from the Respondent at the Respondent's office on November 9, 2005, after experiencing back pain. Patient A previously received chiropractic care from another chiropractor to treat her back pain.

6. Initially, Patient A reviewed a videotape on chiropractic medicine and listened to a presentation by the Respondent's assistant (the "Assistant") on general back pain issues. The Respondent then performed an examination of Patient A, took x-rays, and advised Patient A that she would not do an adjustment that day. The Respondent informed Patient A that although she would not be in the office on the next day, she should come in for an adjustment, which would be done by her associate.

7. Patient A then returned to the Respondent's office on November 10, 2005. Patient A reviewed a pamphlet, after which the Assistant discussed issues contained in the pamphlet with Patient A. The Assistant attempted to hand Patient A a bowling ball, which Patient A refused to accept. The Assistant then used the bowling ball as part of a demonstration about spine issues. The Assistant showed Patient A's x-rays to her and spoke to her about issues relating to those x-ray findings. The Assistant used a Myologic device² to perform muscle and range of motion testing on Patient A. The

² A Myologic device is a piece of equipment designed and marketed to perform force and range of motion testing.

Assistant then proposed a treatment plan consisting of 54 adjustments, with an initial frequency of three times per week. When Patient A stated that her insurance would not cover such a treatment plan, the Assistant informed her of a circumstance where her insurance may cover the full treatment regimen. Patient A then asked to have an adjustment. The Assistant stated that the Respondent's office did not initiate performing adjustments unless the patient agreed to start the full proposed treatment regimen. After consulting with her associates, the Assistant stated that another chiropractor on staff would not perform the adjustment because the Respondent had performed her examination. Patient A then advised the Assistant that she would seek the services of another chiropractor. The Assistant stated that she would not be billed for this visit, because it was only a consultation.

8. Patient A subsequently received an explanation of benefits form from her insurer, which stated that the Respondent's office billed \$175.00 for services purportedly provided on November 10, 2005, consisting of the following: CPT Code 95851 (range of motion measurements). Patient A was also billed \$140.00 for services purportedly provided on December 5, 2005, consisting of the following: CPT Code 95831 (limb muscle testing, manual).

9. Patient A did not visit the Respondent's office on December 5, 2005, or receive any chiropractic services on that date, however.³

10. Board investigation determined that the Assistant began employment with the Respondent in October 2005. On or about November 4, 2005, the Board received a Notice of Employment of Chiropractic Assistant (CA) Applicant (the "Notice"), dated

³ Patient A subsequently telephoned the Respondent's office and informed it that she did not receive treatment on December 5, 2005. The Respondent's office agreed not to bill for services on this date.

October 7, 2005, wherein the Respondent notified the Board that she had hired the Applicant to be a chiropractic assistant. The Respondent's Notice stated that the Applicant's first 80 hours of employment would be confined to observation of direct patient care; and that she would not inquire, ask, petition or demand that the Applicant engage in any practice, procedure or policy in violation of Department of Health and Mental Hygiene law or regulation or other applicable law. Board investigation determined that the Respondent authorized, aided, or otherwise permitted the Applicant to perform: chiropractic services in violation of the Notice; muscle and range of motion testing on Patient A on November 10, 2005, in violation of the Notice; and services she was not authorized to perform, *i.e.*, traction; and muscle and range of motion testing on two-to-four patients per day for the period October 2005 through at least May 2006.

11. The Respondent unlawfully practiced with, aided or permitted an unqualified chiropractic assistant to perform procedures, services or activities she was not authorized to perform. The Respondent permitted or otherwise allowed the Assistant, a chiropractic assistant, to perform muscle and range of motion testing on Patient A, a service she was not authorized to perform. See *COMAR 10.43.07.08* (Activities That May Be Performed by Chiropractic Assistants and Applicants Under Supervision); *COMAR 10.43.07.09* (Prohibited Acts; and *COMAR 10.43.14.03* (Standards of Practice). The Respondent, for the period October 2005 through at least May 2006, practiced with, or otherwise permitted the Assistant to perform such testing on two-to-four patients per week during this time period. The Respondent also practiced with, or otherwise permitted the Assistant to perform traction. See *COMAR 10.43.07.08* (Activities That May Be Performed by Chiropractic Assistants and

Applicants Under Supervision); *COMAR 10.43.07.09* (Prohibited Acts); and *COMAR 10.43.14.03* (Standards of Practice). The Respondent permitted the Applicant to work as a chiropractic assistant prior to receiving approval from the Board. See *COMAR 10.43.07.02* (Board Approval Required) and *COMAR 10.43.07.07* (Supervision Requirements). The Respondent authorized, aided, or otherwise permitted the Applicant to provide direct patient care to Patient A without appropriate training, in violation of the Notice and applicable regulations. See *COMAR 10.43.07.02* (Board Approval); *COMAR 10.43.07.07* (Supervision Requirements); *COMAR 10.43.07.08* (Activities That May Be Performed by Chiropractic Assistants and Applicants); *COMAR 10.43.07.09* (Prohibited Acts), *COMAR 10.43.07.10* (Practicing Without Registration). In addition, the Respondent submitted billings for services that were performed by employees who were not authorized to perform such services, and unlawfully billed for services that were not provided. See *COMAR 10.43.14.03* (Standards of Practice).

12. The Respondent's actions, as described above, constitute the following violations of the Act: Is unethical in the conduct of the practice of chiropractic, a violation of H.O. § 3-313(13); Makes or files a false report or record in the practice of chiropractic, a violation of H.O. § 3-313(12); Practices chiropractic with an unauthorized person or supervises or aids an unauthorized person in the practice of chiropractic, a violation of H.O. § 3-313(18); Violates any rule or regulation in the practice of chiropractic, a violation of H.O. § 3-313(19); Commits an act of unprofessional conduct in the practice of chiropractic, a violation of H.O. § 3-313(20); Submits false statements to collect fees for which services were not provided, a violation of H.O. § 3-313(25);

Misrepresents qualifications, education, training, or clinical experience, a violation of H.O. § 3-313(26); and Violates any provision of this title, a violation of H.O. § 3-313(28).

13. The Respondent's actions, as described above, constitute a violation of the following *COMAR* provisions: 10.43.07.02, 10.43.07.07, 10.43.07.08, 10.43.07.09, 10.43.07.07.10, 10.43.14.03, 10.43.14.05, and 10.43.14.06.

Post-Treatment Findings

14. On or about June 30, 2006, the Respondent violated Patient A's confidentiality by going to Patient A's work office in an attempt to contact her. Patient A had not given the Respondent permission to disclose her patient status to third parties. The Respondent told Patient A's secretary that Patient A had been one of her patients. The Respondent then advised Patient A's secretary that Patient A was "upset" and that she wanted to talk to her. Patient A had not disclosed to the Respondent her work address and was distressed to learn that the Respondent had attempted to contact her there.⁴

15. The Respondent then contacted Patient A by telephone on July 17, 2006. The Respondent offered to meet Patient A to talk to her about the complaint she filed with the Board. Patient A stated that there was no need to discuss the matter with her further, after which the Respondent asked Patient A if she felt that her practice was a "threat to the community." Patient A then informed the Respondent that she did not have time to discuss the matter with her. The Respondent continued to attempt to engage Patient A in a conversation about her complaint, after which Patient A was forced to hang up on her.

⁴ In an interview with Board staff, the Respondent stated that she tracked Patient A down at her work address by recalling where Patient A stated she worked, and finding the address through the Internet.

16. The Respondent then called Patient A back about ten to fifteen minutes later. Patient A repeatedly advised the Respondent that she did not wish to discuss the matter further; the Respondent, however, interrupted her and stated that Patient A "did not know her" and that she knew "what it was like to be upset." The Respondent disclosed to Patient A that she "too was a victim in a chiropractic office." The Respondent continued to attempt to discuss this matter with Patient A, after which Patient A interrupted her, advised her not to contact her again, and hung up the telephone.

17. The Respondent, when attempting to contact or otherwise interact with Patient A, violated patient boundaries and patient confidentiality, and did not respect Patient A's dignity, autonomy, and privacy. The Respondent engaged in a pattern of harassment of Patient A. In addition, the Respondent did not concern herself primarily with Patient A's welfare. See *COMAR 10.43.14.03* (Standards of Practice); *COMAR 10.43.14.05* (Professional Boundaries); and *COMAR 10.43.14.06* (Records, Confidentiality, and Informed Consent).

18. The Respondent's actions, as described above, constitute the following violations of the Act: Is unethical in the conduct of the practice of chiropractic, a violation of H.O. § 3-313(13); Violates any rule or regulation in the practice of chiropractic, a violation of H.O. § 3-313(19); Commits an act of unprofessional conduct in the practice of chiropractic, a violation of H.O. § 3-313(20); and Violates any provision of this title, a violation of H.O. § 3-313(28).

19. The Respondent's actions, as described above, constitute a violation of the following *COMAR* provisions: 10.43.14.03, 10.43.14.05, and/or 10.43.14.06.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent the following provisions of the Act under H.O. § 3-313: Is unethical in the conduct of the practice of chiropractic, a violation of H.O. § 3-313(13); Makes or files a false report or record in the practice of chiropractic, a violation of H.O. § 3-313(12); Practices chiropractic with an unauthorized person or supervises or aids an unauthorized person in the practice of chiropractic, a violation of H.O. § 3-313(18); Violates any rule or regulation in the practice of chiropractic, a violation of H.O. § 3-313(19); Commits an act of unprofessional conduct in the practice of chiropractic, a violation of H.O. § 3-313(20); Submits false statements to collect fees for which services were not provided, a violation of H.O. § 3-313(25); Misrepresents qualifications, education, training, or clinical experience, a violation of H.O. § 3-313(26); and Violates any provision of this title, a violation of H.O. § 3-313(28).

The Board also concludes as a matter of law that the Respondent violated the following *COMAR* provisions: 10.43.07.02, 10.43.07.07, 10.43.07.08, 10.43.07.09, 10.43.07.07.10, 10.43.14.03, 10.43.14.05, and 10.43.14.06.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the Respondent's Maryland license to practice chiropractic is hereby **REPRIMANDED**; and be it further

ORDERED that the Respondent shall be placed on probation for a period of **ONE (1) YEAR**, to commence on the date the Board executes this Consent Order, subject to the following terms and conditions:

1. Within six (6) months of the date this Consent Order is executed by the Board, the Respondent shall enroll in Board-approved courses of sufficient duration in the following subject areas: professional ethics; maintaining appropriate professional boundaries; and appropriate billing practices. The Respondent shall obtain Board approval of the proposed courses prior to enrollment in them, and shall be responsible for providing timely, written verification of her enrollment in and successful completion of the approved courses. The Respondent shall successfully complete all of these courses within one (1) year of the date this Consent Order is executed by the Board. The Respondent may not use the above coursework to fulfill any continuing education requirements mandated under law or for renewal of licensure. The Respondent shall be responsible for all costs associated with her enrollment in and completion of these courses.

AND BE IT FURTHER ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, after notice and an opportunity for a hearing, may impose any other disciplinary sanctions it deems appropriate, including but not limited to, suspension or revocation, said violation being proven by a preponderance of the evidence; and be it further

ORDERED that after the conclusion of the entire **ONE (1) YEAR PERIOD OF PROBATION**, the Respondent may file a written petition for termination of her probationary status without further conditions or restrictions, but only if she has satisfactorily complied with all conditions of this Consent Order, including all terms and conditions of probation, and including the expiration of the **ONE (1) YEAR** period of

probation, and if there are no pending complaints against her before the Board; and be it further

ORDERED that this Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. State Govt Code Ann. §§10-611 *et seq.* (2004 Repl. Vol.).

IT IS SO ORDERED this 9th day of July 2007.

JUL 09 2007
Date

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

CONSENT

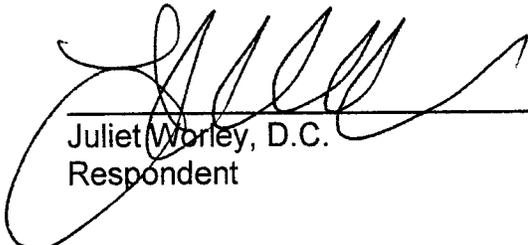
I, Juliet Worley, D.C., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I voluntarily consent to the foregoing Findings of Facts and Conclusions of Law, and I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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 also affirm that I am

waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

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

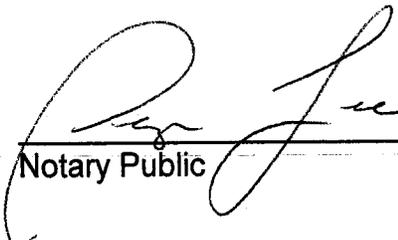
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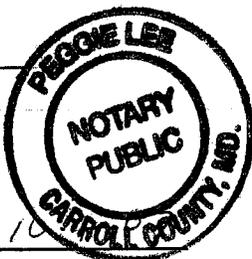

Juliet Worley, D.C.
Respondent

STATE OF MARYLAND
CITY/COUNTY OF: Carroll

I HEREBY CERTIFY that on this 15th day of June, 2007, before me, a Notary Public of the State and County aforesaid, personally appeared Juliet Worley, D.C., and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.


Notary Public



My commission expires: 10