

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION
BOARD OF CHIROPRACTIC**

IN RE: :
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JENNY FABER, D.C. :
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License No. CH30076 :
 :
 :
Respondent :

CONSENT ORDER

Jurisdiction

This matter comes before the District of Columbia Board of Chiropractic (the “Board”) pursuant to the Health Occupations Revision Act (HORA). D.C. Official Code § 3-1201.01, *et seq.* (2009). The HORA authorizes the Board to regulate the practice of chiropractic in the District of Columbia. The Board has broad jurisdiction to regulate the practice of medicine and to impose a variety of disciplinary sanctions upon a finding of a violation of the HORA. D.C. Official Code, § 3-1205.14; *Mannan v. District of Columbia Board of Medicine*, 558 A.2d 329, 333 (D.C.1989).

The Council of the District of Columbia, in amending the HORA, “intended to strengthen enforcement of its licensing laws.” *Davidson v. District of Columbia Board of Medicine*, 562 A.2d 109, 113 (D.C.1989). And the HORA “was designed to ‘address modern advances and community needs with the paramount consideration of protecting the public interest.’” *Joseph v. District of Columbia Board of Medicine*, 587 A.2d 1085, 1088 (D.C.1991) (*quoting* Report of the D.C. Council on Consumer and Regulatory Affairs on Bill 6-317, at 7 (November 26, 1985)) (emphasis added by court)).

Background

The Respondent has been license in the District of Columbia to practice chiropractic since 2008. Since then, Respondent has practiced chiropractic in the District without incident. During the last renewal cycle, the Board conducted an audit of a random number of licensees to determine compliance with the continuing education (CE) requirement. This audit revealed that Respondent has not complied with the CE requirement, and is deficient by 24 hours of CE. After the Board became aware that Respondent has failed to attain the requisite number of CE credits to be eligible to renew her license, Respondent did, in fact, subsequently remedy the deficiency in CE credits. The Board has determined to accept the subsequent completion of the CE credits.

Conclusions of Law

The Board is authorized to sanction Respondent under the HORA for her actions, which are related to the practice of medicine. The HORA provides, in pertinent part:

Each board, subject to the right of a hearing as provided by this subchapter, on an affirmative vote of a quorum of its appointed members may take one or more of the disciplinary actions provided in subsection (c) of this section against any applicant for a license, registration, or certification, an applicant to establish or operate a school of nursing or nursing program, or a person permitted by this subchapter to practice a health occupation regulated by the board in the District who:

* * *

(24) violates any provision of [the HORA] or rules and regulations issues pursuant to the HORA[.]

D.C. Official Code § 3-1205.14(a)(24). The HORA further provides:

The Mayor may establish by rule continuing education requirements as a condition for renewal of licenses[.]

D.C. Official Code § 3-1205.10(b). Chiropractors actively practicing chiropractic in the District of Columbia must submit proof of having completed 24hours approved continuing education credit during a two-year period preceding the date the license expires. DCMR §17-4806.4.

Although Respondent completed the requisite CE credits, she failed to do so during the requisite period. Accordingly, Respondent has violated the requirements necessary to maintain her license to practice chiropractic. However, because Respondent has completed her CE credits, albeit late, the Board will not impose any civil fines for CE deficiency. Nevertheless, Respondent failed to respond to the Board's initial inquiries regarding Respondent's deficiency in CE credits. Accordingly, Respondent's conduct described above provides the Board with a basis in fact and law to warrant disciplinary action.

ORDER

ACCORDINGLY, based upon the foregoing, it is this _____ day of _____, 20___, by the District of Columbia Board of Chiropractic hereby,

ORDERED, that a fine of \$500 be and is hereby imposed upon Respondent for failing to answer the Board's inquiry regarding Respondent's failure to comply with his/her CE requirement; and it is further

ORDERED, that all fines imposed herein shall be paid within 30 days of the effective date of this Consent Order; and it is further

ORDERED, that this is a public document.

Any violation of this Order may constitute grounds for suspension or revocation of Respondent's license, after due notice and hearing. In the event Respondent violates this Order, an administrative proceeding may be convened to determine whether such action is warranted. Any fine imposed by the Board shall be made by check payable to the "D.C. Treasurer" and submitted to Lisa Robinson, Health Licensing Specialist, Board of Medicine, 899 North Capitol Street, NE, 2nd Floor, Washington, D.C. 20002.

Respondent shall maintain a course of conduct in his practice of medicine commensurate with the requirements of all laws and regulations of the District of Columbia regarding the practice of medicine.

DISTRICT OF COLUMBIA BOARD OF CHIROPRACTIC

By: Keita Vanterpool, D.C.
Chairperson

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CONSENT OF RESPONDENT

- My signature on the foregoing Consent Order signifies my acceptance of the terms and conditions of the Consent Order and my agreement to be bound by its provisions. JK
(initial)
- I acknowledge the validity of this Consent Order, as if made after a hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural due process protections provided by the laws of the District of Columbia and the United States of America. JK (initial)
- I also recognize that I am waiving my right to appeal any adverse ruling of the Board had this matter gone to a hearing. JK (initial)
- I expressly acknowledge that by signing this Consent Order, I am voluntarily waiving my right to require the Board to charge me through a notice of intent to take disciplinary action with a violation of this agreement and to require the government to prove such violation by a preponderance of the evidence before suspending my license based upon the failure to satisfactorily fulfill the terms of the Consent Order. JK (initial)
- I also expressly acknowledge by signing this Consent Order, I am waiving my right to confront witnesses, give testimony, to call witnesses on my behalf, and to other substantive and procedural due process protections provided by the laws of the District of Columbia and the United States of America. JK (initial)
- I further expressly acknowledge that by signing this Consent Order, I am waiving my right to appeal this Consent Order, as well as waiving any and all rights, whatsoever, I would have to challenge or appeal that Board's decision to suspend my license based on the failure to satisfactorily fulfill the terms of the Consent Order. JK (initial)

• I acknowledge that in the event that the Board suspends my license based on the failure to satisfactorily fulfill the terms of the Consent Order, my sole remedy and recourse will be to respond within the time period set forth in this Consent Order with proof of my compliance and that if I fail to do so, my sole remedy and recourse will be to comply with the terms of this Consent Order to the satisfaction of the Board. AT (initial)

• I have had an opportunity to review this document and to consult with my own legal counsel. I choose willingly to sign this Consent Order, and I understand its meaning and effect. AT (initial)

8/14/2013
Date

Jenny Faber, CH 30076
, D.C., License No.:

Sworn to and subscribed before me this 14 day of August, 2013.

Sreelekha Nandy
Notary Public

This Consent Order shall be deemed a public document and shall be distributed as appropriate.

SREELEKHA NANDY
NOTARY PUBLIC
COMMISSION NUMBER 266787
COMMONWEALTH OF VIRGINIA
MY COMM. EXPIRES 10/31/2014