

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

IN RE:

JUSTIN M. KLEIN, DC

License No.: CH030093

Respondent

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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 chiropractic 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 licensed in the District of Columbia to practice chiropractic since June 25, 2010. On April 28, 2016, the Respondent entered into a Negotiated Settlement Agreement in order to resolve allegations that he had not complied with the Board Continuing Education (CE) requirement during the 2013-2014 licensure period, and that he was deficient by twelve (12) hours of CE. In the Agreement, Respondent agreed to submit a \$300.00 fine by June 27, 2016, and complete the 12 hour CE deficiency by October 28, 2016. However, the Respondent submitted the fine and proof of completion of the deficient CE hours in January 2017, beyond the deadlines mentioned in his Agreement.

Conclusions of Law

The Board is authorized to sanction Respondent under the HORA for his actions, which are related to the practice of chiropractic. 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; and

(27) Violates an order of the board or the Mayor, or violates a consent decree or negotiated settlement entered into with a board or the Mayor; [.]

D.C. Official Code § 3-1205.14(a)(24) and (a)(27).

Respondent has violated the foregoing requirements necessary to maintain his license to practice chiropractic. 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 31 day of May 2017, 2017, by the District of Columbia Board of Chiropractic hereby,

ORDERED, that a fine of \$300.00 be and is hereby imposed upon Respondent for failing to comply with the CME requirement to maintain his licensure requirements. The fine shall be made by check payable to the "D.C. Treasurer" and submitted to Mary Harris, Health Licensing Specialist, Board of Chiropractic, 899 North Capitol Street, NE, 2nd Floor, Washington, D.C. 20002 within sixty (60) days of the effective date of this 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.

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

DISTRICT OF COLUMBIA BOARD OF CHIROPRACTIC



By: Keita Vanterpool, D.C.
Chairperson, D.C. Board of Chiropractic

CONSENT OF RESPONDENT

By signing this Consent Order, I agree to accept and abide by its terms. I acknowledge its validity and acknowledge that I have agreed to this Order in lieu of a hearing at 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 protections provided by law. By signing this order, I waive all such rights. I am fully aware that without my consent, no legal action can be taken against me except pursuant to the District of Columbia Administrative Procedures Act D.C. Official Code § 2-501 et. seq. (2001). I also recognize that, by this Consent, I am waiving my right to appeal this Order. I am also waiving my right to appeal any adverse ruling of the Board had this matter gone to a hearing. I have had an opportunity to review this document. I choose to sign this order willingly and without reservation and am fully aware of its meaning and effect.

5/31/17

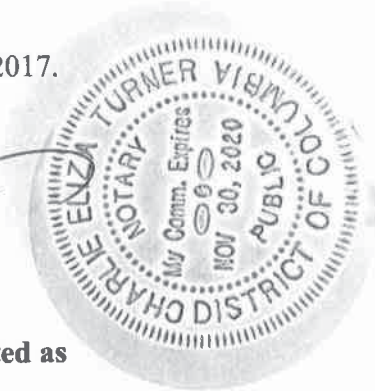
Date



Justin M. Klein, DC
License No.: CH030093

Sworn to and subscribed before me this 31st day of May 2017.


Notary Public



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