

JAMES A. HENDRICKS

v.

MAINE STATE BOARD OF CHIROPRACTIC LICENSURE

Submitted on Briefs June 28, 2006
Decided July 7, 2006

Panel: SAUFLEY, C.J., and CLIFFORD, DANA, ALEXANDER, CALKINS,
LEVY, and SILVER, JJ.

MEMORANDUM OF DECISION

James A. Hendricks appeals from a judgment entered in the Superior Court (Kennebec County, *Studstrup, J.*) affirming a decision of the Maine Board of Chiropractic Licensure (the Board), which found that Hendricks had committed four categories of violations of the Board's statutes and rules: (1) the practice of fraud or deceit in obtaining a license;¹ (2) unprofessional conduct;²

¹ Title 32 M.R.S. § 503-A(2)(A) (2005); 7 C.M.R. 02 297 007-2 § 2(A) (2000); 7 C.M.R. 02 297 008-3 § 1(V) (2000).

² Title 32 M.R.S. § 503-A(2)(F) (2005).

(3) incompetence in the practice of chiropractic;³ and (4) failing to respect the rights and dignity of each patient.⁴

Contrary to Hendricks's contention, the hearing officer did not improperly expand the Board's findings, as the Board's findings, prepared by the hearing officer, were reviewed and approved by the Board and were not limited to statements made by Board members during deliberations. *See* 5 M.R.S. § 9061 (2005); *Carroll v. Town of Rockport*, 2003 ME 135, ¶ 18, 837 A.2d 148, 154. There was substantial evidence in the record supporting the Board's finding that Hendricks intentionally or recklessly caused physical or emotional harm to a patient by failing to deliver records to the patient in a timely fashion, and by making the patient take unnecessary action before complying with the patient's request for his records. *See Greely v. Comm'r, Dep't of Human Servs.*, 2000 ME 56, ¶ 5, 748 A.2d 472, 473.

The entry is:

Judgment affirmed.

³ Title 32 M.R.S. § 503-A(2)(E) (2005); 7 C.M.R. 02 297 007-3 § 2(E) (2000); 7 C.M.R. 02 297 007-4 § 3(C)(1) (2000).

⁴ 7 C.M.R. 02 297 008-2 § 1(A) (2000).

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