

Court of Appeals Reaches Unanimous Decision in Favor of Firm Client

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By Grant Simpkins on August 22, 2024

The NC Court of Appeals reached a unanimous decision in favor of the North Carolina State Board of Chiropractic Examiners, represented by Administrative Law partner Anna Baird Choi and associate Grant Simpkins. The Court of Appeals affirmed the Board's findings that the chiropractor engaged in unethical conduct, negligence, and failed to render acceptable care in her chiropractic practice. The court also affirmed the Board's decision to suspend petitioner's chiropractors license for six months, followed by a two-year probation after her license is reinstated based on her failure to provide acceptable chiropractic care.

The case began following two complaints against the chiropractor alleging she violated state laws regulating chiropractic care by providing prenatal care and attending her patient's home birth that ended in the baby's death.

The petitioner argued that the Board had exceeded its jurisdiction in disciplining her for conduct outside the scope of chiropractic practice. The Court of Appeals found the Board's discipline was supported by evidence that petitioner failed to properly document and manage the chiropractic care she provided to her pregnant patient.

Additionally, the petitioner challenged a requirement that she obtain a revised informed consent form from pregnant patients, arguing it was beyond the Board's authority. The Court rejected this argument, finding the informed consent requirement was directly related to the grounds for discipline and within the Board's discretion.

Lastly, petitioner challenged the Board's order requiring her to pay \$10,000 in disciplinary costs, arguing the award was unreasonable. However, the Court held that she failed to demonstrate the costs were unreasonable, and the Board has statutory authority to impose such an award.

For informational purposes only. Prior results do not guarantee a similar outcome.