PROPOSED REGULATIONS FOR INFORMAL COMMENTS
DRAFT NOT FOR PROMULGATION

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 43 BOARD OF CHIROPRACTIC EXAMINERS

10.43.01 General Regulations

Authority: Health Occupations Article, Title 3, Annotated Code of Maryland

.05 Licenses.

[~~A. Temporary Licenses. The Board may not issue any temporary license to practice chiropractic in Maryland.~~**]**

[B.] *A.* An individual practicing chiropractic without a license shall be prosecuted and subject to penalties as prescribed in Health Occupations Article, Title 3, Subtitle 5, Annotated Code of Maryland.

[~~C. The Board shall issue a license only upon an applicant's successful completion of the:~~

~~(1) National Board of Chiropractic Examiners' examination, Parts I, II, III, and IV;~~

~~(2) Jurisprudence examination; and~~

~~(3) National Board of Chiropractic Examiners' Physiotherapy examination, if applicable.~~

~~D. The Board may waive educational or examination requirements for any licensed chiropractor applying to practice exclusively with a visiting organization for not more than 30 days per calendar year if the:~~

~~(1) Chiropractor practices in a Board-approved, recognized jurisdiction with an active license in good standing;~~

~~(2) Practice is limited exclusively to members of the visiting organization; and~~

~~(3) Chiropractor submits a timely request by application in accordance with Board procedures.~~**]**

[E.] *B.* Display of License in Office. A license holder shall display conspicuously at all times at the license holders' place of business the license granted by the Board.

[F.] *C.* The license holder shall notify the Board of any change in the name or address of the license holder, in writing, within 60 days after the change occurs.

[~~G. Licensure by Credential.~~

~~(1) An application for licensure by credential shall be based on a written SPEC examination administered by the National Board of Chiropractic Examiners, a jurisprudence examination administered by the Board, and the education and professional qualifications of the applicant.~~

~~(2) At the Board's discretion, an applicant for licensure by credential shall appear before the Board in person before the license is granted.~~

~~H. Renewals.~~

~~(1) A license holder failing to renew a license shall:~~

~~(a) Be notified by the Board by certified mail of the delinquency; and~~

~~(b) Have the license lapse into non-renewed status if the license holder does not renew by September 30th of the renewal year.~~

~~(2) Continuing Education.~~

~~(a) Upon renewal, when audited by the Board, a license holder shall submit written evidence of the successful completion of the number of continuing education hours and cardiopulmonary resuscitation (CPR) certification required by the Board for renewal.~~

~~(b) The license holder shall have completed the required credit hours by the time of renewal.~~

~~(c) This evidence may include a photocopy of the official transcript or a report of the completion of the course.~~

~~(d) Only a course program approved by the Board may be used to meet the continuing education requirement of §H(2) of this regulation.~~

~~(e) The requirement may be waived by the Board upon proof of unusual and extreme hardship or disability, and upon application to the Board at least 60 days before September 1.~~

~~I. Reinstatements. An applicant for reinstatement of a license that has lapsed for a period of more than 2 years shall be admitted only after satisfying the Board as to the applicant's efficiency by examination and the payment of fees due.~~

~~J. Types of Licenses.~~

~~(1) The Board shall issue two types of licenses:~~

~~(a) A license covering the practice of chiropractic and physical therapy, as defined in Health Occupations Article, §3-101(f) and (g), Annotated Code of Maryland; and~~

~~(b) A license permitting the holder to practice chiropractic as defined in Health Occupations Article, §3-101(f) and (g), Annotated Code of Maryland.~~

~~(2) An individual holding the chiropractic license and wishing to qualify for the license to practice physical therapy in conjunction with a practice of chiropractic may do so by passing the National Board of Chiropractic Examiners Physiotherapy examination with a minimum score of 75 percent.~~**]**

.06 Disclosure for Compelling Public Purpose.

A. The Board *or the Board's custodian of record* may find that a compelling public purpose warrants disclosure of information in an application, certification, licensing, or investigative file, regardless of whether there has been a request for the information, if:

(1) The information concerns possible criminal activity and the disclosure is to a federal, state, or local law enforcement or prosecutorial official or authority;

(2) The information concerns a possible violation of law and the disclosure is to a federal, state, or local authority that has jurisdiction over the individual whose conduct may be a violation, and the information disclosed is limited to information relevant to the possible violation by that individual; or

(3) The information concerns conduct by an individual that the Board reasonably believes may pose a risk to the public health, safety, or welfare, and the disclosure is to a law enforcement authority, administrative official, or agency that regulates the individual, or to a hospital or other health care facility where the individual has privileges.

B. Other Disclosures. This regulation does not prohibit or limit the Board's ability to disclose general licensing information as provided in General Provisions Article, §4-333, Annotated Code of Maryland, or any information that the Board may otherwise disclose by law.

.07 Incomplete Applications.

A. Scope. This regulation applies to any application submitted to the Board.

B. An application is not complete until all requirements, including the application fee, any actions required by statute or the Board in its regulations, and supporting documentation, are received by the Board.

C. If an incomplete application is submitted to the Board, the Board shall notify the applicant within 30 days after receipt of the application of any remaining actions or materials that are pending.

D. If the applicant fails to complete the required action for licensure eligibility or provide the required documentation within 1 year of receipt of the initial receipt, the Board may administratively close the application.

E. An applicant whose application is administratively closed may reapply and submit with the new application proof of compliance with:

(1) This chapter; and

(2) Health Occupations Article, Title 3, Annotated Code of Maryland.

10.43.02 [~~Rules of Procedure for Board Hearings~~] *Disciplinary Procedures*

Authority: Health Occupations Article, §3-205(a)(1); State Government Article, §10-206; Annotated Code of Maryland

.02 Definitions.

A. In this chapter, the following words have the meanings indicated.

(1) "Administrative law judge" means the hearing officer assigned to preside over a hearing in a case the Board has delegated to the Office of Administrative Hearings.

(2) "Administrative prosecutor" means the attorney assigned by the Office of the Attorney General to prosecute disciplinary charges for the Board.

(3) "Board" means the State Board of Chiropractic Examiners.

(4) "Case resolution conference" means an informal, confidential meeting to discuss possible settlement of a formal or informal disciplinary matter pending before the Board.

(5) Charging document.

(a) "Charging document" means a nonpublic record issued by the Board which:

(i) Alleges conduct by a licensee which the Board believes constitutes a violation under the Maryland Chiropractic Act;

(ii) Sets forth provisions of the Maryland Chiropractic Act that the Board believes were violated; and

(iii) Provides notice to the licensee of disciplinary proceedings before the Board.

(b) "Charging document" may include a notice of intent to deny.

(6) "Complaint" means a written allegation received or initiated by the Board that an individual may have violated the Maryland Chiropractic Act and which may be grounds for an investigation or disciplinary action by the Board.

(7) "Consent order" means a public record issued by the Board that is a final order of the Board that has been negotiated and agreed to by both the licensee and the Board to resolve a disciplinary matter.

(8) "Contested case" means a formal proceeding conducted under the Administrative Procedure Act, Title 10, Subtitle 2 of the State Government Article, Annotated Code of Maryland.

(9) "Disposition agreement" means a nonpublic agreement entered into with a licensee instead of formal disciplinary action, in which the licensee agrees to comply with certain conditions.

(10) "Final order" means a public record issued by the Board resolving a contested case or other disciplinary matter either by consent or after an adjudication, which includes findings of fact, conclusions of law, and a disposition which:

(a) Denies a license;

(b) Sanctions by reprimand, probation, fine, or suspension or revocation of a license;

(c) Summarily suspends a license;

(d) Dismisses charges;

(e) Surrenders a license; or

(f) Takes any other action that the Board may do by law.

(11) "Informal action" means that the Board closes a disciplinary matter without taking formal disciplinary action or without issuing a final order, by imposing a disciplinary sanction consisting of a:

(a) Letter of education;

(b) Letter of admonishment; or

(c) Disposition agreement.

(12) Letter of Admonishment.

(a) "Letter of admonishment" means informal action consisting of a nonpublic letter issued by the Board closing a case, if the Board believes a licensee has engaged in conduct that violates the Maryland Chiropractic Act, admonishing the licensee not to repeat the conduct.

(b) "Letter of admonishment" may include an agreement that the licensee perform certain conditions instead of the Board taking formal disciplinary action.

(13) "Letter of education" means an informal action consisting of a nonpublic letter to a licensee in which the Board educates the licensee concerning the laws and standards of the practice of chiropractic.

(14) Letter of Surrender.

(a) "Letter of surrender" means a public letter accepted by the Board in which the licensee agrees to surrender the license to practice chiropractic.

(b) "Letter of surrender" may include conditions for the Board's acceptance of the surrender as a resolution of the case.

(15) Licensee.

(a) "Licensee" means an individual authorized by the Board to practice chiropractic in the State of Maryland.

(b) For the purposes of this chapter, a "licensee" includes an individual registered as a chiropractic assistant.

(16) "Notice of intent to deny" means a nonpublic record issued by the Board by which an applicant or licensee is notified that the Board intends to deny a license, a change in licensure status, or some other benefit sought by the licensee.

(17) "Probation" means a sanction imposed by the Board in a public final order in which the licensee is:

(a) Monitored by the Board for a period of time; and

(b) Required to comply with certain conditions to avoid further disciplinary action.

(18) "Respondent" means an individual, subject to the jurisdiction of the Board, who has been:

(a) Given notice to answer allegations concerning violations of the Maryland Chiropractic Act; or

(b) Notified as to a potential emergency suspension under State Government Article, § 10-226(c), Annotated Code of Maryland.

(19) "Show cause hearing" means a non-evidentiary hearing before the Board in which the licensee has the opportunity to demonstrate to the Board why the Board should not issue a proposed order or take an action that the Board may take.

(20) "Summary suspension" means the indefinite suspension of a license or registration under State Government Article, § 10-226(c)(2), Annotated Code of Maryland, taken if the Board believes the action is necessary to protect the public health, safety, or welfare.

.03 Investigation of Complaints.

A. Intake.

(1) The Board shall review each complaint to determine whether the Board has jurisdiction over the matter.

(2) If the Board has no jurisdiction, the Board shall dismiss the complaint with no further action.

(3) If the Board has jurisdiction, the Board shall investigate the matter.

(4) The Board may send a copy of the complaint, either in its entirety or redacted, to the licensee that is the subject of the complaint in order to obtain a response to the allegations made in the complaint.

B. Complaint Disposition.

(1) After reviewing any completed investigative information or reports for each complaint, the Board shall:

(a) Dismiss the complaint with no further action;

(b) Close the case with informal action; or

(c) Vote to:

(i) Charge a licensee with a violation of Health Occupations Article, §3-313, Annotated Code of Maryland;

(ii) Consider the matter as a basis for summary suspension if the Board finds that the matter imperatively requires emergency action under State Government Article, §10-226(c)(2), Annotated Code of Maryland;

(iii) Issue an intent to deny an application; or

(iv) Accept the surrender of a license subject to conditions acceptable to the Board.

(3) If the Board issues a notice of intent to deny to an applicant for a license, the applicant may not withdraw the application without approval of the Board.

.04 Informal Case Resolution Conferences.

A. At any time prior to the issuance of a charging document, the Board may, in accordance with this regulation, invite an applicant or licensee to participate in an informal case resolution conference with a member or members of the Board to attempt to resolve the matter without the necessity of formal disciplinary charges.

B. The Board may only offer an informal case resolution conference in instances where the Board has a reasonable belief that there will be no genuine dispute of fact, including where the Board has information indicating that the applicant or licensee:

(1) Has admitted to the allegations, in whole or in part, set forth in a complaint regarding that licensee;

(2) Has been disciplined by a licensing or disciplinary authority of any state or country, or convicted or disciplined by a court of any state or country, for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(3) Has been convicted of or has pleaded guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(4) May be failing to cooperate with a lawful investigation conducted by the Board;

(5) May be in violation of the Board's recordkeeping regulations;

(6) May not have complied with a term or terms of a Board order; or

(7) May have provided, either through act or omission, fraudulent or deceptive information on a Board application.

C. If the Board determines that an informal case resolution conference would be appropriate in a given matter, the Board shall provide the applicant or licensee or, if applicable, the applicant's or licensee's attorney with written notice of the time, date, and location of the conference at least 30 days before the conference.

D. Notice:

(1) Shall be mailed to the applicant or licensee or the applicant's or licensee's counsel by first-class mail to the applicant's or licensee's last known address and, if applicable, the applicant's or licensee's attorney; or

(2) May also be provided by electronic means if agreed to by the applicant or licensee and, if applicable, the applicant's or licensee's attorney.

E. The applicant or licensee may waive the 30-day notice requirement.

F. The notice to the applicant or licensee shall reasonably detail the issues that will be discussed at the informal case resolution conference.

G. An applicant or licensee is not entitled to and may not request an informal case resolution conference. The informal case resolution conference is offered on the Board's initiative.

H. An applicant or licensee is not required to attend an informal case resolution conference, and an applicant or licensee who fails to attend an informal case resolution conference may not be prejudiced for failing to attend.

I. An applicant or licensee may be represented by an attorney at the informal case resolution conference.

J. Matters admitted, revealed, negotiated, or otherwise discussed at an informal case resolution conference are without prejudice and may not be used by the respondent or the Board in any subsequent proceedings, unless the information is otherwise discovered or available through another source.

K. Settlement.

(1) At the conclusion of the informal case resolution conference, the panel may make a recommendation to the applicant or licensee on how to settle the matter.

(2) Any recommendations of the informal case resolution conference panel are not binding on the Board, which may:

(a) Accept a proposed settlement;

(b) Modify a proposed settlement; or

(c) Reject the proposed settlement.

L. An applicant or licensee, or the disposition of a matter involving the applicant or licensee, may not be prejudiced by any failure to reach a settlement.

[.02] ***.05*** **Notice of Hearing.**

A. Written notice of a hearing shall be sent by the Board to all interested parties at least 30 days before the hearing. The notice shall state the date, time, and place of the hearing. **[**~~It shall also state the issues or charges involved in the proceeding, provided, however, that if by reason of the nature of the proceeding, the issues cannot be fully stated in advance of the hearing, or if subsequent amendment of the issues is necessary, they shall be fully stated as soon as practicable.~~**]**

B. Service upon a party shall be by delivery of the charging document and a copy of the complaint to the party in person. Instead of personal service, the Board may serve the charging document and a copy of the complaint by registered or certified mail, restricted delivery, return receipt requested.

[.04] ***.06*** **Pre-hearing Procedures.**

A. Pre-hearing Conferences. The Board may set a pre-hearing conference as it deems appropriate.

B. Oaths and Subpoenas. The Board may administer oaths and compel the attendance of witnesses and the production of physical evidence before it from witnesses upon whom process is served anywhere within the State as in civil cases in the circuit court of the county or of Baltimore City, by subpoena issued over the signature of the President*,* **[**or**]** Secretary*, or Executive Director* and the seal of the Board. Upon a request by a party and statement under oath that the testimony or evidence is necessary to their defense, the Board shall issue a subpoena on their behalf.

C. All motions filed by a party with the Board or the Office of Administrative Hearings, as appropriate, shall be accompanied by a memorandum of points and authorities and shall be filed at least 15 days before the hearing. A copy shall be served on the opposing party. Any response shall be filed with the Board or the Office of Administrative Hearings, as appropriate, at least 7 days before the hearing and a copy shall be served on the opposing party.

D. Discovery on Request. By written request served on the other party and filed with the Board or the Office of Administrative Hearings, as appropriate, a party may require another party to produce, within 15 days, the following:

(1) A list of witnesses to be called;

(2) Copies of documents intended to be produced at the hearing; or

(3) Both §A(1) and (2) of this regulation.

E. Mandatory Discovery.

(1) Each party shall provide to the other party not later than 15 days before the prehearing conference, if scheduled, or 45 days before the scheduled hearing date, whichever is earlier:

(a) The name and curriculum vitae of any expert witness who will testify at the hearing; and

(b) A detailed written report summarizing the expert's testimony, which includes the opinion offered and the factual basis and reasons underlying the opinion.

(2) If the Board or the Office of Administrative Hearings, as appropriate, finds that the report is not sufficiently specific, or otherwise fails to comply with the requirements of this section, the Board or the Office of Administrative Hearings, as appropriate, shall exclude from the hearing the testimony and any report of the expert.

(3) The Board or the Office of Administrative Hearings, as appropriate, shall consider and decide arguments regarding the sufficiency of the report.

(a) At the prehearing conference, if scheduled; or

(b) Immediately before the scheduled hearing.

(4) If an expert adopts a sufficiently specific charging document as the expert's report, that adoption satisfies the requirements set forth in this section.

F. Parties are not entitled to discovery of items other than as listed in §§D and E of this regulation.

G. Both parties have a continuing duty to supplement their disclosures of witnesses and documents.

H. Absent unforeseen circumstances which would otherwise impose an extraordinary hardship on a party, witnesses or documents may not be added to the list:

(1) After the prehearing conference, if scheduled; or

(2) Later than 15 days before the hearing, if no prehearing conference is scheduled.

I. The prohibition against adding witnesses does not apply to witnesses or documents to be used for impeachment or rebuttal purposes.

J. Construction.

(1) In hearings conducted by an administrative law judge of the Office of Administrative Hearings, this regulation shall, whenever possible, be construed as supplementing and in harmony with COMAR 28.02.01.

(2) In the event of a conflict between this regulation and COMAR 28.02.01, this regulation applies.

[.05] *.07* Conduct of the Hearing.

A. Duties of Presiding Officer.

(1) The Board shall conduct hearings before a quorum of the Board.

(2) For purposes of a hearing under this chapter, four Board members present and entitled to vote shall constitute a quorum.

(3) Board action shall be by majority vote of all the members then serving.

(4) The President, or the President's designee, shall be the presiding officer, and shall have complete charge of the hearing, permit the examination of witnesses, admit evidence, rule on the admissibility of evidence, and adjourn or recess the hearing from time to time.

(5) The presiding officer may set reasonable time limits in arguments and presentation of evidence.

(6) The presiding officer shall be responsible for decorum in hearings and can suspend the proceedings as necessary to maintain decorum.

B. Legal Advisor and Counsel for the Board.

(1) The presiding officer may request the Office of the Attorney General to participate in any hearing to present the case on behalf of the Board, and, upon such a request, this counsel has all the rights with regard to the:

(a) Submission of evidence, examination and cross-examination of witnesses;

(b) Presentation of summation and argument; and

(c) Filing of objections, exceptions, and motions as counsel for any party.

(2) The presiding officer may also request a representative of the Office of the Attorney General to act as legal advisor to the Board as to questions of evidence and law.

C. Order of Procedure. The State shall present its case first. Then the respondent shall present his case. After this the State may present rebuttal.

D. Examination of Witnesses and Introduction of Evidence.

(1) The rules of evidence in all hearings under these regulations shall be as set forth in State Government Article, §§10-208 and 10-209, Annotated Code of Maryland.

(2) Every party has the right on every genuine issue to:

(a) Call witnesses and present evidence;

(b) Cross-examine every witness called by the agency, or other party;

(c) Submit rebuttal evidence, present summation and argument; and

(d) File objections, exceptions, and motions, except that when a party is represented by counsel, all the submissions of evidence, examination and cross-examination of witnesses, and filing of objections, exceptions, and motions shall be done and presented solely by this counsel.

(3) The presiding officer, or the presiding officer's designee, may examine:

(a) A witness called by a party; and

(b) An individual in attendance at the hearing.

(4) A member of the Board may examine a witness called by a party.

(5) The Board may submit evidence from an investigative file to other administrative and criminal investigative offices to assist in the investigation and prosecution of a case.

[.06] ***.08*** **Records and Transcripts.**

A. The Board shall prepare an official record, which shall include all pleadings, testimony, exhibits, and other memoranda or material filed in the proceeding.

B. A stenographic record of the proceedings shall be made at the expense of the Board. This record need not be transcribed, however, unless requested by a party, or by the Board. The cost of any typewritten transcripts of any proceeding, or part of it, shall be paid by the party requesting the transcript.

[.07] ***.09*** **Decision and Order.**

A. Every decision and order rendered by the Board shall be in writing and shall be accompanied by findings of fact and conclusions of law.

B. A copy of the decision and order and accompanying findings and conclusions shall be delivered or mailed promptly to each party or attorney of record.

[.08] ***.10*** **Rehearings.**

A. Any party aggrieved by the decision and order rendered may apply for rehearing within 10 days after service on him of the decision and order. Action on an application shall lie in the discretion of the Board.

B. Unless otherwise ordered, neither the rehearing nor the application for it shall stay the enforcement of the order, or excuse the person affected by it for failure to comply with its terms.

C. The Board may consider facts not presented in the original hearing, including facts arising after the date of the original hearing, and may by new order abrogate, change, or modify its original order.

.11 Violation of Board Order.

A. Scope. This regulation applies to any resolution of an investigation or charges issued by the Board that includes a condition or term that the respondent must adhere to, including a final order of probation, a disposition agreement, or a letter of admonishment with conditions.

B. Pursuant to an order of probation, a disposition agreement, or a letter of admonishment, the Board may impose conditions that the Board considers appropriate, including but not limited to:

(1) Reeducation or completion of approved courses;

(2) Payment of a fine;

(3) Practicing under supervision;

(4) Monitoring by the Board or by an individual or entity approved by the Board, with periodic reporting to the Board;

(5) Periodic review of a licensee's clinical practices or billing;

(6) Periodic audits of a licensee's billing practices;

(7) An examination by a physician or other appropriate health care provider;

(9) Limitation of the licensee's practice;

(10) Obtaining a passing score on an appropriate examination; or

(11) Any other condition the Board considers appropriate for the rehabilitation or retraining of a licensee.

B. A term or condition may be defined by a specific period of time or the successful completion of certain conditions or acts by the licensee.

C. A licensee seeking termination of a term or condition imposed by the Board shall do so only by petitioning when:

(1) The specific period of time has passed; or

(2) The licensee has successfully completed the conditions or acts required for termination.

D. If the Board determines that the licensee is not in compliance with a term or condition that the Board imposed, the Board may:

(1) Charge the licensee with failing to comply with a Board order;

(2) Take any action the final order of probation, a disposition agreement, or a letter of admonishment provides for;

(3) Consider a summary suspension of the license; or

(4) Take any other action the Board considers appropriate and may take by law.

[.08] ***.12*** **Appeal.**

Any person whose license has been revoked or suspended by the Board, or any person placed on probation or reprimand under the regulations in this chapter, may appeal the Board's decision as provided by law.

10.43.04 Licensure

Authority: Health Occupations Article, §§3-302.1 and 3-305, Annotated Code of Maryland

.01 Scope.

This chapter establishes the requirements for licensure for all applicants, except applicants who qualify for licensure under Health Occupations Article, §3-305, Annotated Code of Maryland.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Accredited educational institution" means a chiropractic program of study accredited by the Council on Chiropractic Education, its successor, or its foreign equivalent.

(2) "Approved program" means a program that has been approved by a chiropractic program of study and the Council on Chiropractic Education, its successor, or its foreign equivalent.

(3) "Board" means the Maryland Board of Chiropractic Examiners.

(4) "Jurisprudence examination" means the examination administered by the Board to measure knowledge of applicable State laws under Health Occupations Article, Title 3, Annotated Code of Maryland, and this subtitle.

(5) "License" means, unless the context requires otherwise, a license granted by the Board:

(a) To practice chiropractic; or

(b) To practice chiropractic with the right to practice physical therapy.

(6) "National Board examination" means the tests administered by the National Board of Chiropractic Examiners or its successor to measure competency in chiropractic.

(7) "Supervising Chiropractor" means a Board-approved supervising chiropractor, who has been actively licensed and practicing for a minimum of three (3) years in Maryland and has no disciplinary actions within the last five (5) years.

(8) "Temporary license" means a license issued by the Board to an individual who has completed the approved curriculum requirements to practice, while under direct supervision, as a chiropractor.

.03 Eligibility and Application.

A. The Board may issue three types of licenses:

(1) A license permitting the holder to practice chiropractic as defined in Health Occupations Article, § 3-101(f) and (g), Annotated Code of Maryland;

(2) A license covering the practice of chiropractic and physical therapy, as defined in Health Occupations Article, § 3-101(f) and (g), Annotated Code of Maryland; and

(3) A temporary license to an individual who meets the requirements of Regulation .05 of this chapter.

B. A chiropractor is eligible for licensure if the applicant has graduated and received the degree Doctor of Chiropractic (D.C.) from an accredited chiropractic educational institution.

C. The applicant shall:

(1) Submit an application approved by the Board;

(2) Be of good moral character and have submitted to the Board three letters of recommendation, one of which shall be sent by the state licensing board in which the applicant is currently licensed;

(3) Meet all the qualifications set forth in the Health Occupations Article, §3-302, Annotated Code of Maryland;

(4) Submit to the Board satisfactory evidence of having completed a State and national criminal history records check in accordance with Health Occupations Article, §3-302.1, Annotated Code of Maryland;

(5) Submit to the Board evidence of certification in CPR at the Health Care Provider level; and

(6) Pay the fees as set forth in COMAR 10.43.06.02.

D. Physical Therapy Privileges. An applicant seeking physical therapy privileges in conjunction with a license to practice chiropractic shall have obtained:

(1) Clinical and didactic education in physical therapy modalities from an accredited institution of higher education; and

(2) A passing score on the National Board Physiotherapy Examination or an equivalent examination.

.04 Examination Requirements.

A. Take and obtain a passing score on:

(1) Parts I, II, III, and IV of the National Board examination, or its successor; or

(2) A foreign equivalency examination.

B. Take and pass the State jurisprudence examination with a minimum score of 75 percent.

C. The Board shall administer the jurisprudence examination in the English language with no provisions made by the Board to accommodate the examination in any foreign language.

D. An applicant who fails the jurisprudence examination three times may not retake the examination until the Board has reviewed the applicant's file and approved a retake.

.05 Temporary License.

A. The Board may grant a temporary license to an individual who meets the requirements of this regulation.

B. To qualify for a temporary license, an applicant shall:

(1) Submit an application provided by the Board;

(2) Have graduated from an accredited chiropractic program of study;

(3) Have begun the process of applying to the Board for a license to practice chiropractic, but not met requirements to qualify for a license;

(4) Have:

(a) Been licensed in another state for at least 2 years preceding the application in the State; or

(b) Graduated from an accredited chiropractic program of study within 6 months preceding the application in the State;

(5) Have submitted written, verified evidence that the applicant has submitted a criminal history records check in accordance with §3-302.1 of this subtitle;

(6) Agree to practice under the direct supervision of a Board-approved supervisor who is a licensed chiropractor while the temporary license is in effect;

(7) Be of good moral character; and

(8) Pay the temporary license fee set forth under COMAR 10.43.06.02.

C. Unless the Board suspends or revokes a temporary license, each temporary license expires 6 months after the date of issue.

D. Subject to §E of this regulation, a temporary license may be extended every 90 days.

E. The total length of renewal may not exceed 12 months from the date the original temporary license was issued.

F. A temporary license holder may apply for physical therapy privileges:

(1) If the requirements of Regulation .03D of this chapter are met;

(2) Provided the supervising chiropractor is authorized by the Board to perform those procedures; and

(3) If evidence is submitted with proof of completion of the required education and training.

.06 Renewals.

A. The Board shall send each licensee a renewal notice that states the:

(1) Date on which the current license or current registration expires;

(2) Latest date by which the renewal application and documentation can be received by the Board in order for the renewal license to be issued before the current license expires; and

(3) Amount of the renewal fee as specified in COMAR 10.43.06.02.

B. At least 30 days before the current license expires, the Board shall send the renewal notice by electronic means to the last known electronic mail address or first-class mail to the physical address of the licensee.

C. A license holder failing to renew a license shall have the license lapse into non-renewed status if the license holder does not renew by September 30th of the renewal year.

D. Continuing Education.

(1) The license holder shall have completed the required credit hours by the time of renewal as set forth under COMAR 10.43.10.03.

(2) Upon renewal, when audited by the Board, a license holder shall submit written evidence of the successful completion of the number of continuing education hours and cardiopulmonary resuscitation (CPR) certification required by the Board for renewal.

(3) Written evidence may include a copy of the official transcript or a report of the completion of the course.

(4) Only a course program approved by the Board may be used to meet the continuing education requirement of §D(2) of this regulation.

(5) The continuing education requirement may be waived by the Board upon proof of unusual and extreme hardship or disability, and upon application to the Board at least 60 days before September 1.

.07 Reinstatement After License Expiration.

A. The Board shall reinstate an individual whose license has expired if the individual:

(1) Meets the renewal requirements of this chapter and Health Occupations Article, §3-308, Annotated Code of Maryland;

(2) Pays the reinstatement fee as specified under COMAR 10.43.06.02;

(3) Satisfactorily completes the minimum continuing education requirements set forth under COMAR 10.43.10; and

(4) Pass the State jurisprudence examination

B. The Board may not reinstate the license of an individual who has been on non-renewed status for 5 years or more. The individual shall:

(1) Submit an application for initial licensure;

(2) Pay all appropriate fees set by the Board under COMAR 10.43.06.02;

(3) Pass the State jurisprudence examination; and

(4) Submit satisfactory evidence of having completed a State and national criminal history records check in accordance with Health Occupations Article, §3-302.1, Annotated Code of Maryland.

.08 Inactive Status and Reactivation.

A. In accordance with Health Occupations Article, §3-311, Annotated Code of Maryland, a request by an active licensee to transfer a license to inactive status shall be granted upon receipt of the:

(1) Completed Board-approved inactive status application; and

(2) Payment of the required, non-refundable, biennial inactive status fee set forth in COMAR 10.43.06.02.

B. An individual:

(1) May apply for inactive status only if the individual's license is still active at the time the inactive status application request is made;

(2) Shall renew and pay the biennial inactive status fee during each renewal period; and

(3) Is not authorized to and may not practice as a chiropractor in the State while on inactive status.

C. Reactivation.

(1) The Board shall reactivate the license of a licensee who is on inactive status if the licensee:

(a) Completes an application form for reactivation of the license before expiration of the 2-year term of inactive status on the form required by the Board;

(b) Complies with the renewal requirements in effect at the time the licensee seeks to reactivate the license;

(c) Meets the continuing education requirements within the last 2 years as set by the Board;

(d) Has not practiced as a chiropractor in the State while on inactive status;

(e) Pays all appropriate fees set by the Board under COMAR 10.43.06.02;

(f) Has been on inactive status for less than 5 years; and

(g) Is otherwise entitled to be licensed.

(2) Before the Board may reactivate the license of an individual who has been on inactive status for 5 years or more, the individual shall:

(a) Submit an application;

(b) Pay all appropriate fees set by the Board under COMAR 10.43.05.02;

(c) Pass the State jurisprudence examination; and

(d) Submit satisfactory evidence of having completed a State and national criminal history records check in accordance with Health Occupations Article, §3-302.1, Annotated Code of Maryland.

10.43.05 Chiropractic [~~Externship~~] ***Preceptorship*** Program

Authority: Health Occupations Article, §§3-205 and 3-301, Annotated Code of Maryland

.01 Scope.

These regulations apply to all:

A. Chiropractic **[**~~externs~~**]** *students*, chiropractic **[**~~extern~~**]** *preceptorship* applicants, and licensed chiropractors who are extension faculty members of a chiropractic **[**~~college~~**]** *program of study* accredited by the Council on Chiropractic Education or its successor; and

B. Licensed chiropractors approved by the Board to provide an **[**~~externship~~**]** *preceptorship*.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Accredited Board-approved educational institution" means a chiropractic **[**~~school, college, or university~~**]** *program of study* accredited by the Council on Chiropractic Education or its successor.(or equivalent international body)

(2) "Approved program" means a program that has been approved by **[**~~the Board~~**]** *a chiropractic program of study* and the Council on Chiropractic Education or its successor.(or equivalent international body)

(3) "Board" means the Maryland Board of Chiropractic Examiners.

(4) "Chiropractic **[**~~extern~~**]** *preceptorship* program" means:

(a) A 2-semester clinical program:

(i) In which a chiropractic student, that has completed all requirements to graduate, participates under the direct supervision of a licensed chiropractor who has been approved by the Board to serve as a preceptor *sponsor*; and

(ii) That operates in a facility where chiropractic services have been approved by the Board; or

(b) A 6-month clinical program in which an individual has:

(i) Begun the process of applying for licensure, but has not met certain requirements set forth under COMAR 10.43.04;

(ii) Graduated from an accredited Board-approved educational institution;

(iii) Taken and passed the examination of the National Board of Chiropractic Examiners (NBCE);

(iv) Been approved for an extern license by the Board; and

(v) Agreed to practice under the direct supervision of a preceptor who is a Board-approved licensed chiropractor while the extern license is in effect.

(5) "Direct supervision" means a licensed chiropractor:

(a) Remains on the premises at all times;

(b) Directly supervises and continuously monitors the **[**~~extern's~~**]** *preceptor student's* performance within the practice; and

(c) Is immediately available to offer assistance.

[~~(6) "Extern" means:~~

~~(a) An individual who has:~~

~~(i) Enrolled in an accredited Board-approved educational institution and has completed all requirements for the Doctor of Chiropractic program except for the final clinical phase of the program; or~~

~~(ii) Graduated from an accredited Board-approved educational institution and is in the process of applying to the Board for a license to practice chiropractic, but has yet to meet certain requirements set forth under COMAR 10.43.04 to qualify for a license; or~~

~~(b) A chiropractor licensed in another state who is in the process of applying to the Board for a license to practice chiropractic, but has yet to meet certain requirements set forth under COMAR 10.43.04 to qualify for a license.~~

~~(7) "Extern applicant" means an individual who applies to the Board to be approved for the chiropractic externship program.~~**]**

[(8)**]** *(6)* "Licensed chiropractor" means a chiropractor who is licensed by the Board to practice chiropractic or to practice chiropractic with the right to practice physical therapy, and whose license is in good standing.

(7) "Preceptor" means an individual who has enrolled in an accredited chiropractic program of study and has completed all requirements for the Doctor of Chiropractic program except for the final clinical phase of the program.

(8) "Preceptor applicant" means an individual who applies to the Board to be approved for the chiropractic preceptorship program

(9) "Preceptor or extension faculty member" means a licensed chiropractor*:*

(a) **[**~~actively~~**]** *Actively* practicing in the State in good standing who has been appointed to the extension faculty of an accredited **[**~~Board-approved~~**]** educational institution**[**.**]***; and*

(b) Approved by the Board to supervise a student completing a clinical rotation in the State.

(10) "Preceptor sponsor" means a licensed chiropractor approved by the Board to supervise the following who are in the process of applying for licensure:

(a) A recent graduate that has completed a preceptorship program; or

(b)A chiropractor licensed in another state, whose license is in good standing.

.03 Eligibility.

A. **[**~~An extern~~**]** *A preceptor* applicant is eligible for approval in the chiropractic **[**~~extern~~**]** *preceptorship* program if the applicant is:

(1) Currently enrolled in an approved program that is recognized by the Board as:

(a)Requiring adequate clinical training; and

(b)Maintaining an acceptable course of chiropractic instruction;

(2) A recent graduate that has completed a preceptorship program; or

(3) A chiropractor licensed in another state*, for less than 2 years,* whose license is in good standing.

B. **[**~~An extern~~**]** *A preceptor* applicant shall:

(1) Meet all the qualifications as set forth in Health Occupations Article, §§3-302 and 3-303, Annotated Code of Maryland;

(2) Be in good standing**[:]**

[~~(a) At~~**]** at the accredited **[**~~Board-approved educational institution; or~~

~~(b) In the state currently licensed~~**]** *chiropractic program of study*;

(3) Submit the completed application forms as required by the Board;

(4) Pay the application fee as set forth in COMAR **[**~~10.43.06~~**]** *10.43.06.02*;

(5) Submit to a criminal background check;

(6) Have three **[**~~letters of recommendation~~**]** *character references* sent directly to the Board:

(a) From clinical science professors at the **[**~~extern's~~**]** *preceptor's* accredited **[**~~Board-approved educational institution~~**]** *chiropractic program of study* attesting to the applicant's good moral character and clinical abilities; or

(b) Two of which shall be from chiropractors attesting to the applicant's good moral character and one letter from the licensing board of the state in which the applicant is currently licensed*, for less than 2 years,* attesting that the license is in good standing; and

(7) Be withdrawn from the program **[**~~if the applicant has not obtained a license to practice chiropractic within 6 months from the date the externship is approved~~**]** *when the preceptor completes the preceptor program requirements as defined by the chiropractic program of study*.

.04 Permitted Delegation.

A. A licensed chiropractor seeking preceptor sponsor status shall:

(1) Submit a completed written application to the Board;

(2) Pay the fee as set forth in COMAR 10.43.06.02;

(3) Provide written evidence of malpractice insurance as requested by the Board; and

(4) Agree to an administrative inspection of the chiropractic office spaces, equipment, and records as directed by the Board.

[A.**]** *B. Preceptor Sponsor.* A preceptor *sponsor:*

(1) **[**~~who~~**]** *Who* is a Board-approved licensed chiropractor or an extension faculty member may delegate duties within the scope of one's license, which constitute the practice of chiropractic, to **[**~~an extern~~**]** *a preceptor* in accordance with **[**~~COMAR 10.43~~**]** *this subtitle*[.]*;*

[~~B. A preceptor~~**]** *(2)* **[**~~may~~**]** *May* permit **[**~~an extern~~**]** *a preceptor* to perform chiropractic duties as part of a clinical program, subject to the following conditions:

[(1)] *(a)* The preceptor *sponsor* shall maintain direct supervision of the **[**~~extern~~**]** *preceptor*;

[(2)] *(b)* The clinical training program shall be governed by a written agreement between the **[**~~extern's~~**]** *preceptor's* accredited **[**~~Board-approved educational institution~~**]** *chiropractic program of study* and the preceptor *sponsor* that:

[(a)] *(i)* Has been approved by the Board;

[(b)] *(ii)* Describes the specific program;

[(c)] *(iii)* Enumerates the functions the **[**~~extern~~**]** *preceptor* may perform; and

[(d)] *(iv)* Indicates the legal responsibilities assumed by the **[**~~extern's~~**]** *preceptor's* accredited **[**~~Board-approved educational institution~~**]** *chiropractic program of study*; *and*

(3) Disciplined by the Board may not supervise a preceptor student while under a Board order.

[(3)**]** *C.* The accredited **[**~~Board-approved educational institution~~**]** *chiropractic program of study* shall submit to the Board the names of those doctors selected as extension faculty members. The Board shall notify the **[**~~educational institution~~**]** *chiropractic program of study* of those approved for the program**[;]**.

[(4)**]** *D.* A licensed chiropractor may*:*

(1) **[**not**]** *Not* supervise more than one **[**~~extern~~**]** *preceptor* during the same period; *and*

[(5)**]** *(2)* **[**~~A licensed chiropractor may delegate~~**]** *Delegate* or permit only duties and functions which are established as part of the clinical training program[;].

[(6)**]** *E.* The **[**~~extern~~**]** *preceptor* may not supervise chiropractic assistants or trainees**[**~~; and~~**]**.

F. Malpractice insurance in an amount defined by the Council on Chiropractic Education *or its successor* shall be obtained:

(1) Before the clinical program begins, by the **[**~~extern's~~**]** *preceptor's*:

(a) Accredited **[**~~Board-approved educational institution~~**]** *chiropractic program of study*; and

(b) Extension faculty member participating in the clinical program; or

(2) By the preceptor sponsor of **[**~~an extern~~**]** *a preceptor* applicant.

[~~G. A licensed chiropractor seeking preceptor status shall:~~

~~(1) Submit a completed written application to the Board;~~

~~(2) Pay the fee as set forth in COMAR 10.43.06;~~

~~(3) Provide written evidence of malpractice insurance as requested by the Board; and~~

~~(4) Agree to an administrative inspection of the chiropractic office spaces, equipment, and records as directed by the Board.~~**]**

.05 Inspection Standards and Criteria.

A. Each office location in which the student serves shall be inspected by a Board approved inspector.

B. Within 2 days of completing the inspection, the Board approved inspector shall provide:

(1) The preceptor sponsor applicant with a written copy of the inspection report listing all deficiencies; and

(2) A copy of the inspection report to the Board.

C. Inspection approval expires after 3 years.

D. A total of two inspections are allowed under the initial fee paid which may include:

(1) One failed inspection; and

(2) One reinspection.

E. Only one reinspection is allowed per reinspection fee paid.

F. If the office fails the first reinspection, the preceptor sponsor applicant shall submit a new application and pay the reinspection fee set forth in COMAR 10.43.06.02.

G. After three failed inspections, the applicant is not eligible to be a preceptor sponsor.

H. Correction of Violations. Requirements to correct inspection violations are set forth under COMAR 10.43.18.03.

I. Penalties. Failure to allow an inspection of a chiropractic office or comply with a notice to correct violations are subject to the disciplinary action set forth under COMAR 10.43.18.04.

10.43.08 Licensure and Registration Examination — Special Needs Applicants

Authority: Health Occupations Article, §§3-205 and 3-304, Annotated Code of Maryland

.01 Scope.

These regulations establish the procedures to be followed by *a jurisprudence* examination applicants who have special needs because of a **[**~~handicap~~**]** *disability* or religious convictions.

.02 Eligibility Requirements.

A. An applicant with a disability may request modifications in examination materials or procedures by making a written request to the Board that includes:

(1) The applicant's name;

[~~(2) The date of the examination to be modified~~;]

[(3)**]** *(2)* A letter from the appropriate medical professional that:

(a) Confirms the disability; and

(b) Provides information describing the accommodations required; and

[(4)**]** *(3)* A letter from the applicant's education program, indicating what modifications, if any, were granted by the program.

B. The applicant shall send the request for modification and supporting documentation to the Board **[**~~by the application deadline~~**]**.

C. The Board reserves the right to review each special needs application and evaluate each on its individual merit.

D. The applicant may be required to bear the cost of special arrangements or procedures to accommodate the applicant's special needs.

10.43.09 Monetary Penalties

Authority: Health Occupations Article, §3-314, Annotated Code of Maryland

.01 Scope.

This chapter establishes standards for the imposition of penalties not exceeding $5,000 against any chiropractor *or chiropractic assistant* in the State if, after a hearing, the Board finds that there are grounds under Health Occupations Article, §3-313, Annotated Code of Maryland, to suspend or revoke a license *or registration*.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Board” means the State Board of Chiropractic Examiners.

(2) "License" means a license issued by the Board to practice chiropractic or to practice chiropractic with the right to practice physical therapy.

(3) "Licensee" means a chiropractor who is licensed by the Board to practice chiropractic or to practice chiropractic with the right to practice physical therapy.

(4) "Penalty" means monetary penalty.

(5) “Registration” means, unless the context requires otherwise, a document issued by the Board to practice chiropractic in a setting that is not a health care setting.

.03 Imposition of a Penalty — General.

A. Imposition of a Penalty After a Hearing. If, after a hearing under Health Occupations Article, §3-315, Annotated Code of Maryland, the Board finds that there are grounds under Health Occupations Article, §3-313, to *reprimand any licensee or registrant, place any licensee or registrant on probation, or* suspend or revoke a license *or registration*, the Board may impose a penalty of not more than $5,000:

(1) Instead of**[**~~, or in addition to,~~**]** *reprimanding the licensee or registrant:*

(a) Placing the licensee or registrant on probation; or

(b) Suspending *or revoking* the license *or registration*; or

(2) In addition to [~~revoking the license or registration~~]:

(a) Reprimanding the licensee or registrant;

(b) Placing the licensee or registrant on probation, or

(c) Suspending or revoking the license or registration.

B. Imposition of a Penalty Without a Hearing. If, after disciplinary procedures have been brought against a licensee *or registrant*, the licensee *or registrant* waives the right to a hearing required under this subtitle, and if the Board finds that there are grounds under Health Occupations Article, §3-313, Annotated Code of Maryland, to reprimand the licensee *or registrant*, place the licensee *or registrant* on probation, or suspend or revoke a license *or registration*, the Board may impose a penalty not exceeding $5,000 for each violation in addition to reprimanding, placing the licensee *or registrant* on probation, or suspending or revoking the license *or registration*.

.04 Imposition of a Penalty on a Chiropractor *or Chiropractic Assistant*.

A. The Board may impose a penalty of not less than $100 or more than $2,000 on a chiropractor *or chiropractic assistant* found guilty of any of the following, if the chiropractor *or chiropractic assistant*:

(1) Willfully fails to file or record a report as required by law; or

(2) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee *or registrant* is licensed *or registered* and qualified to render because the individual is HIV positive.

B. The Board may impose a penalty of not less than $300 or more than $3,500 on a chiropractor *or chiropractic assistant* found guilty of any of the following, if the chiropractor *or chiropractic assistant*:

(1) Practices chiropractic under a false name or trade name;

(2) Provides professional services while:

(a) Under the influence of alcohol; or

(b) Using any narcotic or controlled dangerous substance as defined in Criminal Law Article, Title 5, Subtitle 4, Annotated Code of Maryland, or other drug that is in excess of therapeutic amounts, or without valid medical indication;

(3) Solicits or advertises in a false or misleading manner, or in any other manner not approved by the Board;

(4) Abandons a patient;

(5) Misrepresents the effectiveness of any treatment, drugs, devices, appliances, or goods to a patient so as to exploit the patient for financial gain;

(6) Willfully impedes or obstructs the filing or recording of a report, or induces another to fail to file or record the report;

(7) Pays or agrees to pay a sum to an individual for bringing or referring a patient; or

(8) Violates any rule or regulation adopted by the Board.

C. The Board may impose a penalty of not less than $500 or more than $5,000 on a chiropractor *or chiropractic assistant* found guilty of any of the following:

(1) Fraudulently or deceptively obtaining or attempting to obtain a license *or registration* for the applicant*,* **[**~~or~~**]** licensee, *registrant,* or for another;

(2) Fraudulently or deceptively using a license *or registration*;

(3) Impersonating another practitioner;

(4) Having been convicted of or pleading guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether any appeal or other proceeding is pending to have the conviction or plea set aside;

(5) Unethically conducting the practice of chiropractic;

(6) Being professionally *incompetent or*, physically or mentally **[**~~incompetent~~**]** *impaired*;

(7) Grossly and willfully:

(a) Overcharging for professional services; or

(b) Submitting false statements to collect fees for which services are not provided;

(8) Having been disciplined by a licensing or disciplinary authority of any other state or country or convicted by a court of any state or country for an act that would be grounds for disciplinary action under Health Occupations Article, §3-313, Annotated Code of Maryland;

(9) Practicing chiropractic with an unauthorized individual or supervising or aiding an unauthorized individual in the practice of chiropractic;

(10) Behaving immorally in the practice of chiropractic; or

(11) Committing an act of unprofessional conduct in the practice of chiropractic.

.05 Factors [~~to be~~] Considered in the Assessment of a Penalty.

In those cases in which the Board determines that the imposition of a penalty is appropriate, the Board shall take into consideration the following factors, without limitations, in determining the amount of penalty:

A. The extent to which the chiropractor *or chiropractic assistant* derived any financial benefit from unprofessional or improper conduct;

B. The willfulness of the unprofessional or improper conduct;

C. The extent of actual or potential public harm caused by the unprofessional or improper conduct; and

D. The cost of investigating and prosecuting the case against the chiropractor.

.06 Payment of a Penalty.

A. A chiropractor *or chiropractic assistant* shall pay to the Board a penalty imposed under these regulations as of the date the Board's order is issued, unless the Board's order specifies otherwise.

B. Filing an appeal under State Government Article, §10-215, Annotated Code of Maryland, or Health Occupations Article, §3-316, Annotated Code of Maryland, does not automatically stay payment of a penalty imposed by the Board pursuant to these regulations.

C. If a chiropractor *or chiropractic assistant* fails to pay, in whole or in part, a penalty imposed by the Board pursuant to these regulations, the Board may not restore, reinstate, *reactivate,* or renew a license *or registration* until the penalty has been paid in full.

D. In its discretion, the Board may refer all cases of delinquent payment to the Central Collection Unit of the Department of Budget and Fiscal Planning to institute and maintain proceedings to ensure prompt payment.

E. The Board shall pay all monies collected pursuant to these regulations into the State's General Fund.

10.43.10 Continuing Education Requirements

Authority: Health Occupations Article, §§3-308 and 3-313, Annotated Code of Maryland

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Board” means the Maryland Board of Chiropractic Examiners.

(2) “Credit hour” means 1 course or program hour.

(3) “Licensee” means a chiropractor licensed by the Board.

(4) “Pre-approved provider” means:

(a) **[**~~The~~**]** *All* State Chiropractic **[**~~Association~~**]** *Associations*;

(b) The American Chiropractic Association;

(c) The International Chiropractors Association;

(d) Schools or colleges accredited by the Council on Chiropractic Education (CCE)**[,]** *or its successor;*

(e) **[**the**]** *The* Federation of Chiropractic Licensing Boards Providers of Approved Continuing Education (FCLB PACE)**[**~~, and the~~**]** *or its successor;*

(f) The National Board of Chiropractic Examiners (NBCE) *or its successor*;

[(e)**]** *(g)* Agencies approved by the Board of Physicians; or

[(f)**]** *(h)* Schools and organizations approved by the Board.

(5) "Provider" means an individual or group who designs and develops continuing education courses or programs.

(6) "Registrant" means a chiropractic assistant who is registered by the Board to perform duties authorized under COMAR 10.43.07.

.03 Renewal Requirements.

A. License Renewal.

(1) A licensee shall satisfactorily complete 48 hours of continuing education in the 2-year period before each renewal and provide verification to the Board if requested.

(2) The licensee shall:

(a) Obtain a minimum of:

(i) 3 hours in approved communicable-disease education, which includes AIDS/HIV, and sanitary procedures;

(ii) 1 hour in diversity or cultural competency education;

(iii) 3 hours in risk management; **[**~~and~~**]**

(iv) **[**1 hour**]** *2 hours* in professional ethics or jurisprudence; *and*

(v) 1 hour of an implicit bias and structural racism training program approved by the Cultural and Linguistic Health Care Professional Competency Program in accordance with Health-General Article, §20-1306, Annotated Code of Maryland, for an applicant's first renewal after April 1, 2026;

(b) Pay a renewal fee as set forth in COMAR **[**~~10.43.06~~**]** *10.43.06.02*; and

(c) Submit to the Board a renewal application accompanied by a continuing education form that the Board requires.

(3) The licensee may earn 1 credit hour to be applied towards the professional ethics or jurisprudence requirement for proof of attendance to a regularly scheduled Board meeting, with a maximum of 3 credit hours per renewal cycle.

B. Registration Renewal.

(1) A registrant shall satisfactorily complete 10 hours of continuing education in the 2-year period before each renewal and provide verification to the Board, if requested. *The registrant shall obtain a minimum of:*

(a) 1 hour in diversity or cultural competency education;

(b) 1 hour in implicit bias and structural racism; and

(c) 1 hour in approved communicable-disease education, which includes AIDS/HIV and sanitary procedures.

(2) The registrant shall:

(a) Pay a renewal fee as set forth in COMAR **[**~~10.43.06~~**]** *10.43.06.02*; and

(b) Submit to the Board a renewal application accompanied by a continuing education form that the Board requires.

C. Hours may be in-person, home study, or online format.

D. Exemptions, Waivers, and Extensions.

(1) Individuals issued initial licensure or registration within 12 months of the renewal date are exempt from the continuing education (CEU) requirements under this chapter for the first renewal cycle*, except for the implicit bias and structural racism course*.

(2) Licensees and registrants with documented hardships seeking an exemption, waiver, or extension from CEU requirements under this chapter shall petition the Board in writing at least 90 days before the **[**~~renewal date~~**]** *expiration of the license*.

(3) The Board shall review the petition for an exemption, waiver, or extension, and respond in writing to the licensee or registrant within 30 days of the Board's decision.

E. The Board may deny the license or registration renewal of any chiropractor or chiropractic assistant who fails to comply with this chapter.

F. The Board shall conduct an audit of licensees and registrants before or during the renewal period to ensure compliance with this chapter.

G. Continuing education hours may not be carried over from one renewal period to the next.

.04 Accreditation and Approval of Continuing Education.

A. The Board shall:

(1) Base **[**~~accreditation and~~**]** approval of continuing education courses and programs on their content and instructor qualifications; and

(2) Ensure that continuing education courses and programs are directed toward improvement, advancement, and extension of professional skill and knowledge related to chiropractic.

B. Pre-Approved Providers.

[~~(1) Pre-approved providers shall submit continuing education courses or programs to the Board within 30 days before commencement of the course or program date~~.**]**

[(2)**]** *(1)* A course or program conducted by a pre-approved provider is considered approved without further review, provided that the course or program meets the subject-matter requirements of §D of this regulation.

[(3)**]** *(2)* The Board shall post the list of pre-approved providers on the Board's website for public view.

C. Non-Pre-Approved Providers.

(1) Non-pre-approved providers shall submit continuing education courses or programs to the Board 60 days prior to commencement of course or program date for review.

(2) The Board shall formally respond to submittals in a timely manner.

(3) The process for submission for approval shall be published on the Board's website.

(4) The Board shall post the list of approved courses or programs from non-pre-approved providers on the Board's website for public view.

D. For license renewal credit, the Board may approve a course or program consisting of one of the following subjects or a combination of these subjects:

(1) Chiropractic principles and adjusting techniques;

(2) Chiropractic ethics and jurisprudence;

(3) X-ray quality assurance program;

(4) Diagnostic imaging;

(5) Physical diagnosis;

(6) Clinical laboratory diagnosis;

(7) Orthopedic diagnosis;

(8) Neurological diagnosis;

(9) Rehabilitative procedures;

(10) Nutritional diagnosis;

(11) Physical therapy;

(12) Risk management;

(13) Cultural competency or diversity awareness; or

(14) A subject with clinical application approved by the Board.

E. Term of Approval.

(1) The Board shall approve a course or program for a period of 5 years.

(2) At the expiration of the 5-year approval period, the provider:

(a) May resubmit the course or program; and

(b) Shall meet the approval requirements of this regulation.

F. A licensee may:

(1) Submit a request for review of continuing education from the Board if the:

(a) Continuing education is not already approved or disapproved by the Board; and

(b) Licensee submits a request to the Board at least 60 days prior to the commencement of the course or program containing, but not exclusive to, information set forth in this chapter; and

(2) Achieve up to 12 hours for verified participation as an instructor, volunteer, or mentor under structured, sponsored courses or programs reviewed and approved by the Board.

G. A continuing education processing review fee shall be paid in accordance with COMAR 10.43.06.02.

H. A continuing education course may not exceed 12 hours during any renewal period.

I. In addition to the required hours of continuing education set forth in this chapter, a licensee or registrant shall maintain a current CPR certification at the healthcare provider level from a Board-approved CPR provider for each renewal period.

J. Approved credits are not transferable and are acceptable toward fulfillment of the continuing education requirement only in the renewal period in which the approved credits are earned.

.05 Substantiation of Credits.

A. The licensee or registrant shall keep accurate records of attendance at approved continuing education courses or programs and be able to substantiate those records **[**~~upon request~~**]** *if audited*.

[~~B. The Board shall conduct a random audit before or during the license or registration renewal period to ensure compliance with this chapter.~~**]**

[C.**]** *B.* The Board shall disallow the continuing education credits for a licensee or registrant who is unable to substantiate the credits and may deny the license or registration renewal if credits are disallowed.

[D.**]** *C.* The Board may require additional verification for any information received regarding content and certification of, and attendance at, a continuing education course or program.

[E.**]** *D.* The Board may grant an extension of time for the licensee or registrant to obtain required continuing education credits if the licensee or registrant presents evidence satisfactory to the Board that failure to comply was due to circumstances beyond the licensee's or registrant's control.

[F.**]** *E.* The Board may not accept continuing education credits from a previous renewal period.

[G.**]** *F.* The Board shall renew a license or registration for the first renewal period following the issuance of the original license or registration without requiring continuing education credits if the original license or registration was issued 1 year or less before the expiration date of the license or registration.

[H.**]** *G.* A licensee or registrant shall maintain complete and accurate records of the licensee's or registrant's continuing education credits for the preceding 4 years and present them to the Board upon request.

[I.**]** *H.* Upon licensee or registrant petition, the Board may waive the continuing education requirements when it determines that the licensee or registrant was unable to comply due to hardship.

[J.**]** *I.* The Board may institute disciplinary action, pursuant to Health Occupations Article, §3-313, Annotated Code of Maryland, against a chiropractor or chiropractic assistant who submits fraudulent information to the Board.

[~~K. Failure to substantiate continuing education hours if requested by the Board shall result in denial of:~~

~~(1) License or registration renewal; or~~

~~(2) Reinstatement of a license or registration.~~]

.06 Reinstatement Requirements.

A. A licensee shall satisfactorily complete a minimum of 48 continuing education hours as set forth under Regulation .03A(2)(a) of this chapter in the 2-year period immediately preceding reinstatement.

B. A registrant shall satisfactorily complete a minimum of 10 continuing education hours as set forth under Regulation .03B of this chapter in the 2-year period immediately preceding reinstatement.

.07 Continuing Education Audits.

A. A chiropractor or chiropractic assistant who has completed the continuing education requirements shall attest to the completion on a form supplied by the Board as part of the application for license renewal, reinstatement, or reactivation.

B. The Board may request verification of compliance with this chapter through inspection of continuing education records maintained by licensees in accordance with Regulation .03A of this chapter.

C. Except as provided in this regulation, the Board shall audit a percentage of chiropractors and chiropractic assistants, selected by the Board for each renewal cycle.

D. A licensee or registrant who receives notice of a continuing education audit shall:

(1) Verify compliance with this chapter by the date specified in the notice; and

(2) Submit to the Board a report of the continuing education hours required for renewal on a form approved by the Board along with the appropriate documentation.

E. Documentation. A chiropractor or chiropractic assistant shall provide to the Board:

(1) A certificate of completion for approved courses or programs;

(2) Current CPR certification as specified under Regulation .04I of this chapter;

F. A chiropractor or a chiropractic assistant may request an extension of time to comply with the requirements of this chapter.

G. A request for an extension of time under §F of this regulation shall:

(1) Be made in writing;

(2) Detail and document the reasons the licensee or registrant was not able to complete the continuing education requirements within the allotted time; and

(3) Provide a period of time requested by the licensee or registrant to complete the required continuing education.

H. The granting of an extension and the period of the extension is within the sole discretion of the Board.

I. A chiropractor or chiropractic assistant who requests and is granted an extension of time by the Board shall be audited at the next renewal cycle.

J. A chiropractor or chiropractic assistant granted an extension of time shall attest to completion of continuing education requirements by the end of the extension period.

K. Failure to submit the required attestation or failure to meet continuing education requirements by the end of the extension period may subject the licensee or registrant to disciplinary action.

L. The Board's staff shall conduct a preliminary review and evaluation of the documentation submitted to the Board and report their findings to the Board.

M. After the Board's review of the submitted documentation, the Board may find one or both of the following:

(1) That the chiropractor or chiropractic assistant has not met the Board's continuing education requirements; or

(2) That the chiropractor or chiropractic assistant has submitted courses or programs that have not been Board-approved.

N. The Board may require a chiropractor or a chiropractic assistant who has not met the Board's continuing education requirements or who has submitted courses or programs that have not been Board-approved to take additional continuing education courses or programs in order to meet the Board's continuing education requirements.

O. Penalties for Violation.

(1) A false, misleading, or deceptive statement on a renewal, reinstatement, or reactivation form may constitute unprofessional conduct and may result in disciplinary action against the licensee as set forth in Health Occupations Article, §3-313, Annotated Code of Maryland.

(2) Failure to complete continuing education requirements within the time period specified under Regulation .05 of this chapter or any applicable extension constitutes unprofessional conduct and may result in disciplinary action against the licensee as set forth in Health Occupations Article, §3-313, Annotated Code of Maryland.

10.43.13 Code of Ethics

Authority: Health Occupations Article, §§1-212, 3-205, and 3-313, Annotated Code of Maryland

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Chiropractic assistant" means an individual who is registered by the Board to perform the duties authorized under COMAR 10.43.07.

(2) "Chiropractor" means an individual licensed by the Board *to practice*:

(a) **[**~~To practice chiropractic~~**]** *Chiropractic*; **[**~~or~~**]**

(b) **[**~~To practice chiropractic~~**]** *Chiropractic* with the right to practice physical therapy**[.]***; or*

(c) Chiropractic under a temporary license.

(3) "Non-bona-fide treatment" means when a chiropractor or chiropractic assistant treats or examines a patient in a way that involves sexual contact, but there is no medical reason for the procedure, or the procedure falls outside the scope of reasonable chiropractic practices.

(4) "Sexually exploitative relationship" means when sexual contact occurs in an existing therapeutic relationship or within a period of time after formal termination of the relationship when the patient may still be vulnerable to the power imbalance that exists in the practitioner-patient relationship, even if the relationship may appear to be or is mutually consensual.

(5) "Therapeutic deception" means when a chiropractor or chiropractic assistant misrepresents sexual conduct as a legitimate form of treatment.

C. Sexual misconduct includes, but is not limited to:

(1) Sexual behavior with a client or patient in the context of a professional evaluation, treatment, procedure, or service to the client or patient, regardless of the setting in which the professional service is rendered;

(2) Sexual behavior with a client or patient under the pretext of diagnostic or therapeutic intent or benefit;

(3) Solicitation of a sexual relationship, whether consensual or nonconsensual, with a patient;

(4) Sexual advances requesting sexual favors;

(5) Therapeutically inappropriate or intentional touching of a sexual nature;

(6) A verbal comment of a sexual nature;

(7) Physical contact of a sexual nature with a patient;

(8) Discussion of unnecessary sexual matters while treating a patient;

(9) The taking of photographs of patients for a sexual purpose;

(10) Sexual harassment of staff or students;

(11) An unnecessary sensual act or comment; or

(12) Sexual contact with an incompetent or unconscious patient.

.03 Standards of Practice.

A. A chiropractor and chiropractic assistant shall concern themselves primarily with the welfare of the patient.

B. A chiropractor or chiropractic assistant who suffers from a physical, mental, or emotional impairment, including chemical abuse, that impacts the individual's ability to practice chiropractic or provide chiropractic assistance shall seek professional treatment and refrain from the practice of chiropractic or the practice of chiropractic assistance until the impairment no longer exists or reasonable accommodations can be made.

C. A chiropractor and chiropractic assistant shall:

(1) Use professional discretion and integrity in relationships with a member of the health care community;

(2) Be professional in conduct, with honesty, integrity, self-respect, and fairness;

(3) Remain free from conflict of interest while fulfilling the objectives and maintaining the integrity of the chiropractic profession;

(4) Provide accurate fee information to the patient, the individual responsible for payment for treatment, and the insurer;

(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;

(8) Cooperate with any lawful investigation conducted by the Board, including:

(a) Furnishing information requested in a timely manner as directed by the Board;

(b) Complying with a subpoena;

(c) Responding to a complaint at the request of the Board; and

(d) Providing meaningful and timely access to relevant patient records; and

(9) Report to the Board, or other appropriate authority, conduct in the practice of chiropractic that indicates a violation of:

(a) This chapter;

(b) Health Occupations Article, Title 3, Annotated Code of Maryland; or

(c) Any other law, including but not limited to aiding or abetting the unauthorized practice of chiropractic.

D. A chiropractor or 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;

(3) Engage in a commercial activity which conflicts with the duties of a chiropractor and chiropractic assistant;

(4) Perform chiropractic on a patient if a contraindication against chiropractic treatment exists;

(5) Discriminate against a patient or a health care provider based on race, religion, age, gender, sexual orientation, national origin, or disability;

(6) Intimidate, threaten, influence, or attempt to influence any person regarding any violation of law or regulation; or

(7) Aid or abet any individual violating or attempting to violate any provision of law or regulation.

E. A chiropractor who is a preceptor sponsor shall ensure that preceptors working under the chiropractor's supervision follow the Code of Ethics set forth in this chapter.

10.43.14 Record Keeping

Authority: Health Occupations Article, §3-205, Annotated Code of Maryland

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Board” means the Maryland Board of Chiropractic Examiners.

(2) "Diagnosis" means the determination by the chiropractor of the nature and cause of a disease or injury through evaluation of patient history, examination, and review of any laboratory and radiological data.

(3) "Examination" means varied procedures such as analysis, assessment, and evaluation performed by the chiropractor to determine a diagnosis.

(4) "History" means the patient's account of past, present, and familial health.

(5) "Subjective, objective, assessment, and plan (SOAP) notes" means the written *treatment* record maintained by the chiropractor of:

(a) The patient's qualitative or quantitative description of the patient's condition;

(b) Findings pertaining to the patient's condition based on examination and tests;

(c) The chiropractor's clinical opinion of the condition; and

(d) Instructions given to the patient, orthopedic appliances provided to the patient with instructions for usage, and recommendations for treatment, including modalities used and areas treated.

.03 Record Keeping.

A. The chiropractor shall maintain accurate, detailed, legible, and organized records, documenting all data collected pertaining to the patient's health status.

B. The chiropractor may not erase, alter, or conceal patient records but shall initial and date any changes made in the corresponding margin.

C. The Patient Record.

(1) The chiropractor shall create a record for each patient.

(2) The chiropractor shall **[**~~state the patient's name or identification number~~**]** *provide two unique forms of patient identification* on each document contained in the patient record.

(3) The chiropractor shall include the following information in the patient record:

(a) Chiropractor and clinic name identification;

(b) Patient history;

(c) Examination findings;

(d) Diagnoses;

(e) Treatment plan;

(f) SOAP notes;

(g) Financial records;

(h) Records of telephone conversations;

(i) Copies of correspondence and reports sent to other health care providers, diagnostic facilities, and legal representatives;

(j) Records and reports provided by other health care providers and diagnostic facilities; **[**~~and~~**]**

(k) The signed *initial* consent to **[**~~treatment~~**]** *examination* form of the:

(i) Patient; or

(ii) Parent or guardian of a minor patient or incompetent patient**[**.**]***; and*

(l) Informed consent to treat signed by a patient or legal guardian.

D. Correspondence. The chiropractor shall identify the name of the attending chiropractor, clinic name, address, and telephone number on patient records and reports sent to another health care provider.

E. Maintenance and Release of Patient Records.

(1) The chiropractor shall keep confidential all information contained in the patient file, in accordance with Health-General Article, Title 4, Subtitle 3, Annotated Code of Maryland.

(2) The chiropractor shall release patient records when release is:

(a) Authorized by the patient in writing; or

(b) Compelled by law.

(3) The chiropractor may assess fees for duplicating patient records for the patient or for another health care provider in accordance with Health-General Article, §4-304, Annotated Code of Maryland.

(4) The chiropractor shall maintain records in accordance with Health-General Article, §4-403, Annotated Code of Maryland.

.05 Patient History.

The chiropractor shall include the following in the patient history:

A. Personal data, including:

(1) Name**[**,**]***;*

(2) Address**[**,**]***;*

(3) Telephone number**[**,**]***;*

(4) Date of birth**[**,**]***;*

(5) **[**~~Race,~~**]** *Email address;*

(6) **[**~~Sex,~~**]** *Gender;* and

(7) Current occupation;

B. Complaint or complaints, including:

(1) Description of the complaint or complaints**[**,**]***;*

(2) Quality and character of the complaint or complaints**[**,**]***;*

(3) Intensity**[**,**]***;*

(4) Frequency**[**,**]***;*

(5) Location**[**,**]***;*

(6) Radiation**[**,**]***;*

(7) Onset**[**,**]***;*

(8) Duration**[,]***;*

(9) Palliative and provocative factors**[,]***;* and

(10) History of present complaint or complaints;

C. Family health history;

D. Past health history, including:

(1) General state of health**[,]***;*

(2) Previous illnesses**[,]***;*

(3) Surgical history**[,]***;*

(4) Previous injuries**[,]***;*

(5) Hospitalizations**[,]***;*

(6) Previous treatment and diagnostic testing**[,]***;*

(7) Prescribed and nonprescribed medications and supplements**[,]***;*

(8) Allergies**[,]***;* and

(9) Mental illness;

E. Systems review, including:

(1) Musculoskeletal**[,]***;*

(2) Cardiovascular**[,]***;*

(3) Respiratory**[,]***;*

(4) Gastrointestinal**[,]***;*

(5) Neurological**[,]***;*

(6) Ophthalmological**[,]***;*

(7) Otolaryngological**[,]***;*

(8) Endocrine**[,]***;*

(9) Peripheral vascular**[,]***;* and

(10) Psychiatric; **[~~and~~]**

F. Personal history, including:

(1) Occupational**[,]***;*

(2) Activities**[,]***;*

(3) Exercise**[,]***;* and

(4) Health habits**[.]***; and*

G. SOAP notes which include:

(1) Objective description of orthopedic testing, neurology testing, palpation and range of motion; Orthopedic testing to include ROM, regional orthopedic testing, and palpatory findings;

(2) Patient examination to include blood pressure, temperature, pulse and weight at each visit;

(3) Assessment details describing diagnosis and progress for each examination and follow up visit. A neurology assessment shall include dermatomes, myotomes, and reflexes; and

(4) Plan details describing treatment plan, modifications to treatment plan, and description of procedures performed.

10.43.15 Sanctioning Guidelines

Authority: Health Occupations Article, §§1-606, 3-313, and 3-315, Annotated Code of Maryland

.01 Scope.

A. This chapter shall be used by the Board and the Maryland Office of Administrative Hearings as a framework for imposing discipline.

B. The Board and the Maryland Office of Administrative Hearings shall take into consideration a range of activity within certain types of conduct rather than assigning particular sanctions to each specific violation.

[~~C. The Board shall complete a worksheet for each complaint considered by the Board that is not initially closed.~~

~~D. The Board is aware that there may be conduct by a licensee that does not fall squarely within a particular guideline contained in Regulation .06 of this chapter. In that event the Board will so indicate on the worksheet and use its best judgment to determine the appropriate sanction.~~**]**

[E.**]** *C.* The Board and the Maryland Office of Administrative Hearings shall make determinations that maximize the protection of the public's health while maintaining the rights of licensees.

D. The Board's guidelines for the imposition of monetary penalties are set forth under COMAR 10.43.09.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the Maryland State Board of Chiropractic Examiners.

(2) "Conditions" means requirements in a public or nonpublic order that a licensee is required to satisfy which include but are not limited to:

(a) Treatment and counseling for an emotional or physical illness;

(b) Submission to drug and alcohol testing;

(c) Abstinence from specified drugs;

(d) Abstinence from alcohol;

(e) Remedial training;

(f) Inspection;

(g) Monitoring;

(h) Evaluation;

(i) Supervision;

(j) Testing of clinical skills;

(k) Submission of written reports;

(l) A demonstration of knowledge or competency;

(m) Limitation of practice;

(n) Limitation on the administration of specified drugs to patients;

(o) The provision of pro bono chiropractic **[**~~to the poor, elderly, or disabled~~**]**;

(p) Obeyance of Maryland Chiropractic Act, federal, state, and local laws; and

(q) The payment of a civil penalty.

(3) "Conduct" means behavior or action or a failure to behave or act that results in a violation of the Maryland Chiropractic Act or the regulations adopted by the Board.

.03 Application.

A. This chapter shall be used by the Board as a guide for sanctioning licensees in formal **[**~~and informal~~**]** actions and proceedings.

B. Except as provided in Regulation .05 of this chapter, the Board shall impose a sanction not less severe than the minimum listed in Regulation .06 of this chapter, nor more severe than the maximum listed in Regulation .06 of this chapter.

C. When conduct results in multiple violations of the Maryland Chiropractic Act and the regulations adopted by the Board, the Board shall consider sanctions that are greater than those imposed for a single violation.

[~~D. This chapter does not apply to disciplinary matters reviewed by the Board that are initially closed.~~**]**

[E.] *D.* Unless otherwise indicated, the period of a suspension may be stayed in whole or in part.

[F.] *E.* A respondent placed on suspension or probation shall have conditions attached to the suspension or probation which focus on the conduct and steps needed to assure public protection.

[~~G. Consent orders shall:~~

~~(1) Include an acknowledgement of the violation or violations; and~~

~~(2) Indicate that the respondent accepts personal responsibility for the respondent's behavior.~~

~~H. If the conduct is not described in Regulation .06 of this chapter, the Board shall use its judgment to determine appropriate sanctions and shall so state in the sanctions worksheet~~.]

[I.] *F.* A departure from the sanctioning guidelines alone may not be grounds for any hearing or appeal of any Board action before the Board or the Maryland Office of Administrative Hearings.

[J.] *G.* The sanctioning guidelines are not applicable to:

(1) Individuals seeking an initial license; or

(2) The summary suspension of a license under State Government Article, §10-226, Annotated Code of Maryland.

[K.] *H.* Notwithstanding the sanctioning guidelines, a respondent may surrender a license *pursuant to Health Occupations Article, §3-312, Annotated Code of Maryland*.

.06 Disciplinary Guidelines.

The following guidelines shall be used by the Board as a guide for sanctioning licensees in formal and informal actions and proceedings:

A. Abuse — Physical and Emotional.

Severity	Tier/Conduct	Sanction Range		[~~Duration~~]
		Minimum	Maximum	
Least to Greatest	(1) Unnecessary or disruptive behavior which may include verbal comments, directed to a patient, resulting in minimal harm or a risk of harm	Reprimand	Suspension for up to 5 years, and probation for up to 5 years, and conditions	[~~Reprimand to suspension and probation for up to 5 years~~]
	(2) Physical abuse resulting in significant physical or emotional injury	Suspension for 3 years, without stay for at least 30 days and probation for 3 years, and conditions	Revocation	[~~Suspension for 3 years, without stay for at least 30 days, and probation for 3 years to revocation~~]

B. Criminal Convictions or Plea of Nolo Contendere.

Severity	Tier/Conduct	Sanction Range		[~~Duration~~]
		Minimum	Maximum	
Least to Greatest	(1) Convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude	Suspension for 1 year and probation for 1 year, and conditions	Revocation	[~~Suspension for 1 year and probation for 1 year, to revocation~~]
	(2) Convicted of or pleads guilty or nolo contendere to a sexual offense	Suspension for 5 years, without stay for at least 60 days, and probation for 5 years, and conditions	Revocation	[~~Suspension for 5 years, without stay for at least 60 days, and probation for 5 years, to revocation~~]

C. Disciplined by Another Licensing or Disciplinary Authority.

Severity	Tier/Conduct	Sanction Range		[~~Duration~~]
		Minimum	Maximum	
Least to Greatest	(1) Conduct resulting in no physical or psychological harm	Reprimand	Reprimand and probation for up to 3 years, and conditions	[~~Reprimand to reprimand and probation for up to 3 years~~]
	(2) Conduct resulting in financial injury	Reprimand	Revocation	[~~Reprimand to Revocation~~]
	(3) Conduct resulting in physical or psychological harm or a risk of physical or psychological harm	Suspension for 3 years, without stay for at least 10 days, and probation for 3 years, and conditions	Revocation	[~~Suspension for 3 years, at least 10 days without stay, and probation for 3 years to revocation~~]

	(4) Misrepresentation or fraud	Suspension for 2 years, without stay for at least 5 days, and probation for 2 years, and conditions	Revocation	**[**~~Suspension for 2 years, without stay for at least 5 days, and probation for 2 years to revocation~~**]**
	(5) Conduct not provided for in §C(1)—(4) of this regulation	Reprimand	Revocation	**[**~~Reprimand to Revocation~~**]**

[~~D. Diversion of Controlled Substances or Prescription Drugs~~.**]**

[~~Severity~~**]**	**[**~~Tier/Conduct~~**]**	**[**~~Sanction Range~~**]**		**[**~~Duration~~**]**
		[~~Minimum~~**]**	**[**~~Maximum~~**]**	
[~~Least to Greatest~~**]**	**[**~~(1) Diversion without harm to self or others~~**]**	**[**~~Reprimand and conditions, and probation for 1 year~~**]**	**[**~~Suspension for up to 5 years, and probation for up to 5 years, and conditions~~**]**	**[**~~Reprimand and probation for 1 year to suspension for up to 5 years and probation for up to 5 years~~**]**
	[~~(2) Diversion creating risk of harm~~**]**	**[**~~Suspension for 3 years and probation for 3 years, and conditions~~**]**	**[**~~Suspension for up to 5 years and probation for up to 5 years, and conditions~~**]**	**[**~~Suspension for 3 years and probation for 3 years to suspension for up to 5 years and probation for up to 5 years~~**]**
	[~~(3) Diversion with harm~~**]**	**[**~~Suspension for 5 years, without stay for at least 90 days, and probation for 5 years, and conditions~~**]**	**[**~~Revocation~~**]**	**[**~~Suspension for 5 years, without stay for at least 90 days, and probation for 5 years, to revocation~~**]**

[E.] *D.* Failure to Renew a License When the Licensee Has Continued to Practice.

Severity	Tier/Conduct	Sanction Range		**[**~~Duration~~**]**
		Minimum	Maximum	

Least to Greatest	(1) Failure to renew a license and practicing for up to 1 year	Reprimand	Revocation	[~~Reprimand to suspension for 2 years, and probation for to 2 years~~]
	(2) Failure to renew a license and practicing for 1 year or longer	Suspension for 2 years, and probation for 2 years, and conditions	Revocation	[~~Suspension for 2 years, and probation for 2 years, to revocation~~]

[F.] *E.* Noncompliance with Board Orders.

Severity	Tier/Conduct	Sanction Range		[~~Duration~~]
		Minimum	Maximum	
Least to Greatest	(1) Failure to comply with a Board order	Suspension for 3 years, without stay for at least 10 days, and probation for 3 years, and conditions	Revocation	[~~Suspension for 3 years, without stay for at least 10 days, probation for 3 years, to revocation~~]
	(2) Failure to comply with a Board order with additional unprofessional conduct	Suspension for 3 years, without stay for at least 30 days, and probation for 3 years, and conditions	Revocation	[~~Suspension for 3 years, without stay for at least 30 days, and probation for 3 years, to revocation~~]
	(3) Failure to comply with a Board order with serious physical injury or death of a patient, or the risk of significant physical injury or death	Suspension for 5 years, without stay for at least 1 year, and probation for 5 years, and conditions	Revocation	[~~Suspension for 5 years, without stay for at least 1 year, and probation for 5 years, to revocation~~]

[G.] *F.* Incompetent Practice Or Misconduct.

Severity	Tier/Conduct	Sanction Range	[~~Duration~~]

		Minimum	Maximum	
Least to Greatest	(1) Practice below acceptable standards with a low risk of patient harm	Reprimand and conditions	Suspension for 1 year, and probation for 1 year, and conditions	[~~Reprimand to suspension for 1 year, and probation for 1 year~~]
	(2) Practice below acceptable standards with patient harm or risk of patient harm	Suspension for 3 years, without stay for at least 30 days, and probation, and conditions	Revocation	[~~Suspension for 3 years, without stay for at least 30 days, and probation, to revocation~~]
	(3) Practice below acceptable standards with serious physical injury or death of a patient, or a risk of significant physical injury or death	Suspension for 3 years, without stay for at least 90 days, and probation for 3 years, and conditions	Revocation	[~~Suspension for 3 years, without stay for at least 90 days, and probation for 3 years, to revocation~~]

[H.] *G.* Sexual Misconduct.

Severity	Tier/Conduct	Sanction Range		[~~Duration~~]
		Minimum	Maximum	
Least to Greatest	(1) Unsolicited conduct of a sexual nature excluding physical contact that serves no diagnostic or treatment purpose	Reprimand and conditions	Revocation	[~~Reprimand to suspension for 1 year, and probation for 1 year~~]
	(2) A personal relationship that violates professional ethics	Suspension for 1 year, and probation for 1 year, and conditions	Suspension for up to 5 years, probation for up to 5 years, and conditions	[~~Suspension for 1 year, and probation for 1 year, to suspension for up to 5 years, and probation for up to 5 years~~]
	(3) Physical contact of a sexual nature that does not include force, intimidation, the use of drugs, or	Suspension for 2 years, without stay for at least	Revocation	[~~Suspension for 2 years, without stay for at least 90 days, and~~

	alcohol, and that serves no diagnostic or treatment purpose	90 days, and probation for 2 years, and conditions		~~probation for 2 years, to suspension for up to 7 years, without stay for at least 90 days, and probation for up to 7 years~~]
	(4) Sexual conduct involving, but not limited to, force intimidation, the use of drugs, or alcohol, or multiple victims	Suspension for 5 years, without stay for at least 1 year, and probation for 5 years, and conditions	Revocation	[~~Suspension for 5 years, without stay for at least 1 year, and probation for 5 years to revocation~~]

[I.] *H.* Substance Abuse.

Severity	Tier/Conduct	Sanction Range		[~~Duration~~]
		Minimum	Maximum	
Least to Greatest	(1) Misuse of drugs or alcohol without harm to others	Suspension for 2 years and probation for 2 years, and conditions	Suspension for up to 5 years, and probation for up to 5 years, and conditions	[~~Suspension for 2 years and probation for 2 years, to suspension for up to 5 years and probation for up to 5 years~~]
	(2) Misuse of drugs or alcohol with patient harm or a risk of patient harm	Suspension for 5 years, without stay for at least 90 days, probation for 5 years, and conditions	Revocation	[~~Suspension for 5 years, without stay for at least 90 days, and probation for 5 years to revocation~~]

[J.] *I.* Unauthorized Practice.

Severity	Tier/Conduct	Sanction Range		[~~Duration~~]
		Minimum	Maximum	
Least to Greatest	(1) Licensee knowingly allows an unauthorized individual to practice outside their scope of practice without patient harm or minimal patient harm	Reprimand and conditions	Suspension for 2 years, and probation for 2 years,	[~~Reprimand to suspension for 2 years, and probation for 2 years~~]

			and[,] conditions	
	(2) Licensee knowingly allows an unauthorized individual to practice outside their scope of practice with greater than minimal patient harm	Suspension for 5 years, without stay for at least 30 days, and probation for 5 years, and conditions	Revocation	[~~Suspension for 5 years, without stay for at least 30 days, and probation for 5 years to revocation~~]
	(3) An unauthorized individual practices outside their scope of practice without patient harm or minimal patient harm	Reprimand	Suspension for 2 years, and probation for 2 years, and[,] conditions	[~~Reprimand to suspension for 2 years, and probation for 2 years~~]
	(4) An unauthorized individual practices outside their scope of practice with greater than minimal patient harm	Suspension for 5 years, without stay for at least 30 days, and probation, and conditions	Revocation	[~~Suspension for 5 years, without stay for at least 30 days, and probation, to revocation~~]

[K.] *J.* Unethical Conduct.

Severity	Tier/Conduct	Sanction Range		[~~Duration~~]
		Minimum	Maximum	
Least to Greatest	(1) Unethical Conduct resulting in no physical or psychological harm	Reprimand and conditions	Suspension for up to 2 years, and probation for up to 2 years, and conditions	[~~Reprimand to suspension for up to 2 years, and probation for up to 2 years~~]
	(2) Unethical conduct resulting in financial injury	Suspension for 3 years, and probation for 3 years, and conditions	Revocation	[~~Suspension for 3 years, and probation for 3 years, to revocation~~]
	(3) Unethical conduct resulting in physical or psychological harm or a risk of physical or psychological harm	Suspension for 3 years, and probation for 3 years,	Revocation	[~~Suspension for 3 years, and probation~~

		and conditions		~~for 3 years, to revocation~~]
	(4) Unethically, and without legal justification, fails to cooperate with a lawful investigation conducted by the Board	Suspension for 5 years, without stay for at least 30 days, and probation, for 5 years, and conditions	Revocation	[~~Suspension for 5 years, without stay for at least 30 days, and probation for 5 years, to revocation~~]
	(5) Unethical conduct resulting from misrepresentation or fraud	Suspension for 5 years, and probation for 5 years, and conditions	Revocation	[~~Suspension for 5 years, and probation for 5 years, to revocation~~]
	(6) Threatens, forces, intimidates, or influences a person to change or withhold evidence before the Board or the Office of Administrative Hearings.	Suspension for 5 years, without stay for at least 90 days, and probation for 5 years, and conditions	Revocation	[~~Suspension for 5 years, without stay for at least 90 days, and probation for 5 years, to revocation~~]
	(7) Unethical Conduct resulting from any violation not provided for in [§~~K(1)—(6)~~] *§J(1)—(6)* of this regulation	Reprimand	Revocation	[~~Reprimand to revocation~~]

10.43.16 Dry Needling

Authority: Health Occupations Article, §§3-101, 3-205(a), 3-307, 3-403, and 13-101, Annotated Code of Maryland

[.05] ***.03*** **Registration Required.** *(Note: this will not show up in the printed Maryland Register proposal)*

A. The Board shall register a chiropractor with physical therapy privileges as qualified to perform dry needling in the State, provided the chiropractor submits to the Board:

(1) Evidence of completion of the education and training requirements outlined in Regulation .04 of this chapter; and

(2) An application for registration on a form provided by the Board.

B. A chiropractor with physical therapy privileges may not perform dry needling without registering with the Board.

.04 Minimum Education and Training Required.

A. A chiropractor with physical therapy privileges shall be in good standing before registering to perform dry needling.

[~~B. The Board shall accept a dry needling course completed before May 18, 2020, if:~~

~~(1) The same course, in substantially similar form, is sponsored by a continuing education provider approved by the Board; and~~

~~(2) The chiropractor seeking to perform dry needling provides the Board with a certificate of completion of 3 hours of a recertification course in dry needling.~~**]**

[C.**]** *B.* In order to perform dry needling, a chiropractor with physical therapy privileges shall complete a minimum of 80 hours of total instruction in the following content areas, including:

(1) 60 hours of:

(a) Academic coursework obtained through completion of a **[**~~college~~**]** *chiropractic* program *of study* accredited by the Council of Chiropractic Education, *or its successor,* as part of the Doctor of Chiropractic program, including the following minimum requirements:

(i) Foundations;

(ii) Basic sciences;

(iii) Clinical sciences; and

(iv) Professional practice; or

(b) Coursework required to sit for Part I, Part II, Part III, Physiotherapy, and Part IV of the examination administered by the National Board of Chiropractic Examiners *or an equivalent examination*; and

(2) Board-approved coursework consisting of 20 hours to be done in a hands-on classroom setting, including but not limited to the following learning topics:

(a) Philosophy and historical perspective of dry needling;

(b) Indications, contra-indications, and qualifications for treatment;

(c) Protocols, doctor and patient safety, usage of dry needling, and dry needling as a diagnostic tool;

(d) Case management **[**~~and~~**]** jurisprudence*, including the Board's regulations*; and

(e) Direct, hands-on implementation and testing for competency in dry needling of:

(i) Cervical, thoracic, lumbar, and pelvic regions;

(ii) Anterior and posterior thoracic and ribs;

(iii) The upper and lower extremity;

(iv) The face and head;

(v) Technique; and

(vi) Needle size and gauge appropriateness.

.05 Continuing Education.

A. Every other renewal cycle, 4 years after the date of initial registration issuance, licensees with dry needling privileges shall complete a minimum of 3 hours of continuing education offered by a Board-approved provider.

B. State course providers shall:

(1) Have been licensed for a minimum of 3 years; and

(2) Be registered by the Board to practice dry needling.

C. To obtain approval of a dry needling continuing education course, a provider or licensee shall submit:

(1) An application provided by the Board;

(2) A detailed course syllabus;

(3) The resume of all course instructors; and

(4) The application fee set forth under COMAR 10.43.07.02.

D. The Board may accept a course offered by an out-of-state provider if it is substantially equivalent to a course pre-approved by the Board.

E. Acupuncture courses are not acceptable.

[.03] *.06* Standards of Practice.

A. A chiropractor registered to perform dry needling shall:

(1) Fully explain dry needling to the patient in advance of treatment;

(2) Obtain informed written consent specific to dry needling, which shall be included in the patient's medical record;

(3) Perform dry needling in a competent manner consistent with patient health and safety; and

(4) Document the provision and the specific location of the dry needling service in accordance with the requirements of COMAR 10.43.14.03.

B. A chiropractor who performs dry needling in a manner inconsistent with the standards of practice enumerated in this regulation may be subject to discipline pursuant to COMAR 10.43.15.06.

C. Dry needling is not within the scope of practice for:

(1) A registered chiropractic assistant;

(2) A chiropractic assistant trainee;

(3) A preceptor; or

(4) **[**~~An extern~~**]** *A temporary licensee*.

D. *A chiropractor shall adhere to the CDC guidelines on Sharps disposal.*

10.43.18 Inspections – Compliance with Centers for Disease Control and Prevention Guidelines

Authority: HO 3-205(a)(1) and (4).

.01 Purpose.

The purpose of this chapter is to prescribe procedures for unannounced inspections of a chiropractic office to determine compliance at that office with the Centers for Disease Control and Prevention's guidelines on universal precautions in accordance with the Health Occupations Article, §3-205(a)(4), Annotated Code of Maryland.

.02 Inspections.

A. On receipt of a written and signed complaint, including a referral from the Commissioner of Labor and Industry, alleging potential non-compliance with the Centers for Disease Control and Prevention's guidelines on universal precautions, the Board may conduct an unannounced inspection of the chiropractic office.

B. Standard precautions include:

(1) Hand hygiene;

(2) The use of personal protective equipment (PPE) whenever there is an expectation of possible exposure to infectious material;

(3) Following respiratory hygiene etiquette principles;

(4) Ensuring appropriate patient placement;

(5) Properly handling patient care equipment, such as instruments and devices, which includes thorough cleaning and disinfecting;

(6) Following safe injection practices; and

(7) The careful handling of textiles and laundry.

C. An inspector shall inspect the chiropractic office in accordance with the Centers for Disease Control and Prevention's guidelines on standard precautions and shall produce an inspection report.

D. The Board shall review the inspection report and make a determination as to whether any violations exist.

E. Within 2 weeks of the inspection, the Board shall notify the appropriate licensee or licensees of the results of the inspection in writing. If the inspection found violations, the notification shall include a notice of those violations and the specified time to correct those violations.

.03 Correction of Violations.

A. Except as provided in §§C and D of this regulation, if the Board's inspection indicated violations, the appropriate licensee or licensees within the chiropractic office shall correct violations within 30 days after receipt of the Board's written notification.

B. The Board may require less than 30 days to correct a violation if the Board considers the correction necessary to the interest of public health.

C. A licensee may request an extension of time for correction of violations.

D. The Board may approve or deny an extension of time for correction of violations.

E. Upon completion of correction of all violations, the licensee shall notify the Board in writing within 1 week of the corrections with adequate documentation of all corrections.

F. Upon notification of the corrections, the Board or its designee shall re-inspect the chiropractic office.

G. The Board shall notify the appropriate licensee or licensees in writing of the results of the re-inspection within 1 week of the re-inspection.

H. If re-inspection reveals additional violations not cited in the first inspection report, the appropriate licensee or licensees shall correct those violations in the time period specified unless an extension of time is requested by a licensee and approved by the Board.

.04 Penalties.

A. Failure to allow an inspection of a chiropractic office may result in disciplinary action against a licensee subject to the hearing requirements set forth in Health Occupations Article, §3-315, Annotated Code of Maryland.

B. Failure to comply with a notice to correct violations within a 30-day period, or any extension granted by the Board under Regulation .03 of this chapter, may result in disciplinary action against a licensee subject to the hearing requirements set forth in Health Occupations Article, §3-315, Annotated Code of Maryland.

C. Nothing in this chapter precludes the Board from taking concurrent or subsequent disciplinary action, including summary action against a licensee found to have violated applicable Centers for Disease Control and Prevention guidelines, subject to:

(1) The Administrative Procedure Act;

(2) The notice and hearing requirements set forth in Health Occupations Article, §3-315, Annotated Code of Maryland; and

(3) This subtitle.