

CHIRO NEWS

Newsletter of the MD Board of Chiropractic & Massage Therapy Examiners

Suite 301 4201 Patterson Ave., Baltimore, MD 21215-2299
410.764-4726 FAX 410.358-1879 www.mdchiro.org



FALL 2011

PRESIDENT'S MESSAGE

Message from new President, Dr. Stephanie J. Chaney, D.C.

Dear Licensees:

It is my honor to serve as the new Board President. I want to sincerely thank out-going President, Dr. Kay B. O'Hara, for the diligent work and tremendous results she obtained during her two-year tenure as President. We have an outstanding Board of pro-active, intelligent, caring professionals who truly understand both the nature of licensing regulation and implications to practice economics. We are striving to revise regulations and policies to concurrently best serve the public ,and protect patients, without being unduly intrusive. One of these new policies (regarding space rental) is outlined below. The Board is involved with several projects, including further review of the regulations and establishing sanctioning guidelines for disciplinary hearings (as mandated by the legislature). Regulating Chiropractors, CAs, and Massage Therapists is a daunting task. Our intake of disciplinary complaints continues to be high, as is the caseload of investigations and formal hearings. We recently hired a new investigator to fill a position that has been frozen since January; hiring delays were caused by the State hiring freeze.

I truly appreciate all feedback, comments and pro-active suggestions to make the Board and its services better. As we continue to transition into the electronic mode, responses, renewals, data postings, etc., are more accurate and must faster as well as cost-saving. Our website has many new features and up-to date information on Approved CEUs, Disciplinary Cases, Newsletters, and Board Minutes. Soon, we will have an all electronic email alert system that will enable the Board to notify all licensees of important matters in real time. Thank you for all of your support. If you have any questions or comments, please feel free to contact the Board via the Executive Director, Mr. Jim Vallone, at 410-764-5985. (*continued on Page 3*)

Board Policy re: Licensee Rental of Spaces

In early August, the Board met in executive session for advice of legal counsel on the issue of licensees renting out spaces to non-healthcare practitioners (e.g. registered massage practitioners, aroma therapists, naturopaths, physical trainers, exercise instructors, etc). Significantly, one policy has NOT changed. That is, licensees may NOT EMPLOY a non-healthcare practitioner and may not formally refer patients to non-healthcare practitioners. For example a chiropractic licensee must employ a Licensed Massage Therapist and NOT a Registered Massage Practitioner because only the former is a *bona fide* healthcare practitioner authorized to work in a healthcare setting.

The contentious issue has been "*Can a licensee RENT a space to a non-healthcare practitioner within the logistical confines of his/her practice suite?*" After considerable deliberation and advice, the Board opines that there is no prohibition for licensees renting spaces to non-healthcare practitioners (regardless of location on the premises). The Board opines that licensees may rent to non-healthcare practitioners but that the practitioner and lessee should take prudent measures to clearly notify the public that the non-healthcare lessee is not affiliated with or sponsored by the chiropractor. This can be done through signage or through printed materials distributed to patients/clients. Also, as stated above, the chiropractic licensee may not refer patients to any non-healthcare practitioner.

Failure to define the non-affiliation of a non-healthcare practitioner with the chiropractic licensee could result in the appearance of a violation of Maryland Code Ann., Health Occ. Art., § 3-313(18), which prohibits practicing chiropractic with unauthorized (e.g. unlicensed) individuals. Additionally, COMAR 10.43.14.03(D)(3) prohibits chiropractic licensees from engaging in commercial activities that conflict with the duties of a chiropractor. Under this same COMAR provision, the licensee may be (or appear to be) engaging in a non-healthcare activity that is in direct conflict with chiropractic. As a result, the public may misinterpret the logistical situation and file a complaint based on the aforementioned law and regulations. Such situations can be prevented by providing the aforementioned notification to patients/clients. Taking these prudent steps will help avoid confusion or misconceptions by the general public. Any questions regarding this matter should be addressed to the Board Executive Director for clarification. (*Continued on page 3*)

Enclosed is a 2012/13 calendar with official holidays & Board contact information. Keep it handy to assist in contacting the Board.

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BEST REGARDS FOR THE UPCOMING HOLIDAY!

The Board and staff wish all licensees a happy and healthy Thanksgiving. Regardless of your faith or background, Thanksgiving is the American Holiday in which we can all give thanks for our personal, professional blessings. Take time between holiday feasts and football games to quietly give thanks for our blessings. Also, remember the less fortunate; take time to contribute or volunteer to make their holiday a better one.





FORMAL PUBLIC ORDERS ISSUED SINCE LAST NEWSLETTER

All public disciplinary orders and consent orders are public and fully reportable to the Federal Health Information Practitioner Database as well as to the Federation of Chiropractic Licensing Board Database.

- **RAMON ADALLA, LMT, AUGUST 2011:** Submitting false application statements & sexual misconduct: *Summary Suspension; License Voluntarily Surrendered. Formal Acceptance of Letter By Board—Practice Terminated.*
- **AECHIA OLIVARRIA, LMT: AUGUST 2011:** Deceptive use of license; sexual misconduct under guise of massage therapy.. *License Revoked*
- **YONG SNYDER, LMT AUGUST 2011:** Deceptive use of license, sexual misconduct under guise of massage therapy. *License Revoked*
- **YEON KIM (a.k.a. PALIDINETTI), LMT: AUGUST 2011:** Deceptive use of license, sexual misconduct under guise of massage therapy. *License Revoked*.
- **ALI AHADPOUR, DC: OCTOBER 2011:** Abuse of prescription drugs, failure to abide by terms of previous Board Order. *Summary Suspension Continued; Reapplication for Licensure DENIED for a minimum of 3 years.*
- **HERVE BAPTISTE, LMT: OCTOBER 2011:** Alleged boundary violations and previous similar violations in other jurisdictions. *Emergency Summary Suspension with hearing on Nov. 10th 2011.*

(CONT. on PAGE 5)

2011 CHIROPRACTOR LICENSE RENEWAL

The 2011 Chiropractor renewal went smoothly, with the exclusive use of the online renewal database system. The renewal period was extended a week (ending on midnight Sept 6th) due to Hurricane Irene which caused disruptions in the system. At the end of the renewal period, 94% of licensees had renewed active or inactive; and 6% did not renew and were placed in a **NON-RENEWED** status. The Board's list of non-renewed licensees appears below. The Board appreciates the comments submitted by licensees on problems or glitches with the system. The database staff does a post-renewal review to determine how the system may be improved and the comments are very helpful.

NON-RENEWED LICENSEES

(Licensees who did not renew and whose licenses lapsed into non-renewed status ON 10-01-2011). Non-Renewed status is a perfectly authorized status; however, it terminates the active licensure status and the authorization to practice chiropractic in Maryland. The following licensees (as of 10-01-2011) lapsed into a non-renewed status; they may NOT practice chiropractic in Maryland unless/until they reinstate their license. If you are aware of any non-renewed licensees engaged in active practice, you must contact the Board of Examiners.

Batey, Douglas	Bazzazieh, Nava	Brown, Raymond	Chambers, Rashida
Chen, David	Cole, Joshua	Cooper, Charles	Donohue, Tara
Erry, Aekta	Fuson, Ryon	Golod, Julia	Griffin, Daniel
Hancock, Andrew	Holcombe, Leslie	Hutzel, Theresa	Jenkins, Ryan
Kim, Stephen	Kirchner, Ethan	Lynch, April	Markel, Nevin
Martin, Julie	Mattson, Brock	McMasters, Tawana	Perrone, Peter
Petracco, Chris	Renwick, Jacqueline	Rosenfeld, Murray	Russell, Tiffany
Sieben, Julie	Stanfield, Darek	Tamsett, Angela	Tislau, Andrew
Urainyc, Kyle	Vahkick, Zachary	Williams, Kenneth	Wong, William

Board President Message—Continued from Page 1

Board Policy Change on Certifying Supervising Chiropractors

In August, the Board revised its policy and procedures for testing Supervising Chiropractor candidates and issuing their Certificates. Previously, candidates had to wait several weeks for a separate examination with a \$300.00 examination fee in addition to the initial \$300.00 Jurisprudence Examination fee. Commencing October 1st, new chiropractor licensees will take a two-part examination upon application (Jurisprudence and Supervising Chiropractor Addendum). They will pay only one examination fee of \$300.00. Upon satisfactory passing of both examination units, the applicant will receive his/her Chiropractor License and Supervising Chiropractor Certificate. This will save approximately 90 days delay per applicant as well as saving \$300.00 per applicant.

Board Approves MBLEX Examination for Massage Applicants

The Board recently approved the Federation of State Massage Boards (FSMB) MBLEX entrance examination. This comprehensive examination is currently approved by the majority of states that regulate massage therapy. Previously, the Board approved only the NCBTMB and NCCAOM Examinations. The Board conducted a several-month sub-committee study of the MBLEx exam model, its subject matter, security, and administrative procedures. The Board found it meeting the statutory and regulatory requirements to serve as a valid, objective measure of a candidate's knowledge and skills.

BEST REGARDS: Stephanie J. Chaney, D.C. President

CA PROGRAM REMINDERS

- **CA HIRING NOTIFICATION REQUIREMENTS:** Remember, when hiring a new CA or CA Applicant/Trainee, licensees **MUST first execute and submit a formal CA NOTIFICATION OF EMPLOYMENT FORM to the Board**. The form is found on the Board Website at www.mdchiro.org in the FORMS Menu. A CA applicant may NOT start working with patients until this form is submitted and the doctor has received a receipt/acknowledgement form from the Board. Licensees who permit individuals to practice as CAs or CA applicants without formal notification and authorization violate MD Code Ann., Health Occupation Code, Section 3-313 (18) by practicing with an unauthorized person. Also, remember, **it is unacceptable to have any visiting or fill-in doctor work with CAs unless such visiting doctor is certified as a SUPERVISING CHIROPRACTOR**. Call the Executive Director, Mr. Vallone, with any questions at 410-764-4726.
- **EXPANSION OF CA SCOPE UNDER REVISED REGULATIONS:** Under the newly revised CA regulations (COMAR 10.43.07.09.H) CAs may now (under direct supervision) assist the Supervising Chiropractor in conducting low level/cold laser therapy. There is no formal educational requirement; however, the Supervising Chiropractor must insure that, in his/her professional opinion, the CA has been adequately trained in all low level laser procedures. The training should include all nuances of the modality and safety requirements for the patient. Also, under the revised regulations, (COMAR 10.43.07.9.Q) CAs may now (under direct supervision) assist in mechanical or computerized exam procedures for the sole purpose of collecting data (note: the CA may not engage in any interpretation or diagnosis of information retrieved from such exam procedures).
- **CHANGE IN NUMBER OF CA's & CA APPLICANTS THAT MAY BE SUPERVISED:** Please note that COMAR 10.43.07.04j has been revised to now permit a single supervising chiropractor to supervise a maximum of five (5) CAs and/or applicants in any combination. Prior to the regulatory revision, a maximum of 2 CAs and 3 applicants could be supervised by any one Supervising Chiropractor.
- **CA DEADLINE FOR COMPLETION OF TRAINING PROGRAM:** Remember, CA applicants have only one (1) year to fully complete the didactic and clinical training program. After that period, they must qualify and apply for the next available Board Examination. Waivers are only granted for medical or emergency situations and must be applied for in writing.
- **SUPERVISING CHIROPRACTOR IS ULTIMATELY RESPONSIBLE AT ALL TIMES:** Remember, the Supervising Chiropractor is responsible for all conduct and supervision of the CA and the CA applicant. Diligence and professional prudence is necessary to insure that these assistants always maintain professional decorum and are qualified to engage a patient in a particular modality. In most malpractice cases, responsibility/liability is transferred to both the CA and his/her Supervising Chiropractor. It is also important to remember that the Supervising Chiropractor is singularly responsible for the training program of the CA applicant. This includes legible and comprehensive maintenance of the CA applicant training log and oversight to insure that the applicant completes his/her training program within one (1) year.

FROM THE DIRECTOR'S DESK:



RENEWAL OBSERVATIONS:

I am pleased with the cooperation of the vast majority of licensees in renewing their licenses with the new online system. Of particular note is the fact that there were very few delinquencies and late filers. We did have approximately 20-25 licensees who failed to obtain their CPR certifications from the approved providers (American Red Cross & American Heart Assn or their designated agents/affiliates). As a result, issuance of their licenses was delayed until they obtained the proper CPR Certification.

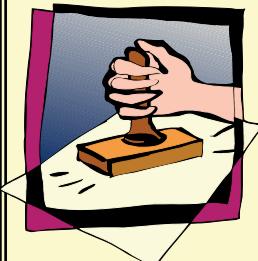
BOARD MEMBER POSITION OPEN:

At the writing of this newsletter, the Board has one chiropractor member vacancy. Interested licensees must notify the MD Chiropractic Assn. of their desire to become a candidate for the position. Currently, Board members spend 8-15 hours per month as volunteers conducting administrative and disciplinary functions. Member service is an excellent way to serve patients, the State, and the chiropractic profession in a challenging and professional venue.

STATE/FEDERAL CRACKDOWN ON FRAUDULENT BILLING:

For those licensees who do not keep up with regional and national news, there has been a crackdown on fraudulent healthcare billing which amounts to billions of dollars per year. Overbilling, over-utilization of services, fraudulent submissions and coding are all being closely scrutinized by federal, state, and private insurer investigators seeking to curtail these practices. In most cases, these practices amount to state and federal felonies that may result in many years imprisonment, loss of income, license and reputation. This Board is similarly vigilant. Many times, a complaint leads to subpoena and review of patient records, including billing records. A licensee who engages in fraudulent billing practices stands a real chance of having his/her license suspended or revoked.

ADMINISTRATIVE & STAFFING NEWS



BOARD HIRES MR. CHRISTOPHER BIELING, B.S., TO FILL INVESTIGATOR VACANCY: The Board has hired Mr Christopher Bieling to fill the vacant Health Occupation Investigator position. Chris has a B.S. in Criminal Justice and nearly 30 years service as a multi-faceted investigator with the Baltimore City Police Department. He has conducted hundreds of investigations into major criminal activities and is well-versed in all investigative techniques and administrative procedures. Following retirement from the police, Chris took an inspector/security position with the Maryland Lottery Commission where he successfully conducted many investigations in waste, fraud and record-keeping abuse. Chris is assigned to the investigative unit under Senior Investigator, Dave Ford, CFE. Chris will be a tremendous asset to the Board's investigative team and we hope that he will find this Board's work challenging and fulfilling. *GOOD LUCK CHRIS!*

MBLEX EXAMINATION NOW ACCEPTED BY BOARD: Massage licensure applicants now have an additional examination source to fulfill their requirements. In addition to NCBTMB, and NCCAO, applicants may satisfy requirements by the successful passing of the Federation of State Massage Board's (FSMB) MBLEX substantive examination. The MBLEX was scrupulously reviewed over a year period by a Board Subcommittee. Board members attended meetings and conventions where the MBLEX was explained and questions regarding subject matter, security, certification, etc. were satisfactorily addressed by the FSMB.

BOARD STUDYING DISCIPLINE/SANCTION GUIDELINES: Pursuant to 2011 HB 114, all Boards are required to study and implement defined sanctioning guidelines. The Board is currently working with its AAG Board Counsel, Mr. Grant Gerber, to craft a comprehensive disciplinary sanctioning paradigm that will address board disciplinary orders. The guidelines are anticipated to assist in consistency and reasonableness regarding the application of specific orders to specific charges and specifications of violations of the Chiropractic Practice Act. The DHMH deadline is December 31st to have all Board Guidelines submitted to the DHMH Secretary.

BOARD MEMBERS & STAFF ATTEND VARIOUS PROGRAMS: The Board President, Dr. Stephanie Chaney, and Vice President, Dr. Michael Fedorczyk, represented the State and the Board at the September regional FCLB conference in Halifax, Nova Scotia. Many national and regional issues were discussed and considered. The national FCLB meeting will be held in San Antonio Texas in May, 2012. Board Members, Ms. Ernestine Jones-Jolivet, and Ms. MaryAnn Frizzera-Hucek, attended the National Citizens Advocacy Center 2011 Annual Meeting. The agenda included disciplinary activities of boards and commissions. In October, Members, Mr. David Cox and Ms. Karen Biagiotti, attended the Federation of State Massage Boards national meeting in Los Angeles, California. The FSMB is the counterpart to the chiropractic FCLB and deals with both national and regional issues of importance. Senior Investigator, Mr. David Ford, will attend the National Healthcare Anti-Fraud Association (NHCAA) conference in Atlanta, GA in November. He and investigators from other Boards will actively participate with investigators and fraud examiners from around the country to discuss latest information on organizational healthcare fraud, investigations, and prosecutions. The Board annually sends members and staff to specific meetings and conferences to expand their knowledge and acumen regarding aspects of their duties and responsibilities. Costs for these programs are annually submitted as part of the Board budget and must be cleared under strict guidelines by DHMH and the Office of General Accounting.

MARYLAND CHIROPRACTOR PLEADS GUILTY TO INSURANCE FRAUD

The following excerpts are from the Press Release of the Office of U.S. Attorney,
Eastern District of Virginia, U.S. Attorney Neil H. MacBride—May 19th, 2011

ALEXANDRIA, Va.—Jason Carle, 38 of Falls Church, Va., pled guilty....to conspiring to commit wire fraud for his role in an insurance fraud scheme.....Carle faces a maximum penalty of 20 years in prison when he is sentenced on July 29, 2011.....Carle is a chiropractor who is licensed to practice in Maryland and owns and operates clinics in Silver Spring, Md., and Oxon Hill, Md. According to court documents, Carle had an ongoing business relationship with personal injury attorney Amir Ryan Lahuti, a/k/a Ryan A. Lahuti, wherein the two would refer clients to one another. In May 2009, Lahuti was involved in an accident during which he was reportedly hit by a vehicle while riding his bicycle. Lahuti subsequently contacted Carle and asked Carle to create a patient file for him to document purported treatment related to the bike accident that Lahuti could use to submit a fraudulent insurance claim.

Carle admitted that he never examined Lahuti or treated him for any injuries sustained in the accident, but fabricated patient files to document more than \$7,000 in treatment that he purportedly provided to Lahuti on 32 different occasions...Carle also created documentation that falsely stated that Lahuti was totally incapacitated and out of work for two weeks after the date of the accident.....Lahuti used the false document created by Lahuti to file a fraudulent bodily injury insurance claim in November 2009...[and] eventually settled...for \$11,000.....Carle received approximately \$3,500 of the settlement money for his role in the scheme.

Jurisdictional Limits of the Board

Every month, the Board receives many questions and requests for action. These include requests involving resolving insurance disputes, coding issues, business, corporate and management set-up, civil suits, legal disputes, grievances against patients, vendors and insurers, etc. In fact, the Board has no jurisdiction to act in any of these matters. The following will hopefully clarify the issue of jurisdiction and help licensees seeking assistance on non-jurisdictional matters. "Jurisdiction" is what controls the authority of the Board of Examiners to get involved in issues and to take certain actions. In summary, the Board has jurisdiction to: issue licenses, discipline licensees, and issue regulations regarding the administration and education of chiropractic and massage licensees and registrants.

The Board can entertain relevant questions relating to scope-of-practice, chiropractic devices, record-keeping, professionalism and ethics. It can interpret the Chiropractic and Massage Practice Acts, implementing regulations, and policies upon request of licensees and registrants. The Board also has the jurisdictional authority to investigate complaints against licensees and registrants. Significantly, it cannot take action against non-licensees and must refer non-licensed practice cases to the cognizant law enforcement authorities. The Board can help clarify its laws and regulations upon request for insurers, attorneys, vendors, etc., however, it cannot become involved in a dispute. It is important to remember that all insurance coverage and coding issues are specifically a mutual contractual matter between the licensee and the insurance company. Accordingly, the Board does not offer opinions or rulings on insurance coverage, payment, coding issues, etc.

Licensees are always encouraged to contact the Executive Director with any questions or concerns. The Director, Mr. Vallone, will gladly provide whatever information is available and can clarify jurisdictional dilemmas or confusion on related issues.

BOARD DISCIPLINARY ACTIONS

(Continued from page 2)

MICHAEL STEEVES, LMT: OCTOBER 2011: Boundary violations with massage student while serving as massage instructor at a Board approved Massage School of Instruction: **License Revoked.**

CHAN LILEY, RMP: OCTOBER 2011: Fraudulent use of massage license for illicit activities: **License Revoked.**

6 CHIROPRACTIC LICENSEES: OCTOBER 2011: Informal—monetary penalty for submitting late renewal applications without justification (i.e. after the 9/1/2011 deadline): **\$500.00 monetary late fee per violator.**

SPECIFIC REQUIREMENTS OF THE AMERICANS WITH DISABILITY ACT RELATING TO HEARING IMPAIRED AND DISABLED PATIENTS

Scenario: *Patient X is hearing impaired and sets an appointment for an examination and treatment. Through his interpreter, he advises your staff that he is fully hearing impaired and requires you to accommodate his special needs by employing and paying for a professional interpreter/signer for the hearing impaired. You question the logic of the request as it may involve a substantial cost and burden on you and the practice.*

Significantly, you will most probably have to meet the service assistance requirements requested by the patient. The below information is provided to assist you in the event that this issue arises.

- **ADA Law & Regulations:** The *Americans With Disability Act (ADA)* and its implementing regulations were enacted to ensure the equal rights of the disabled. The issue of accommodating the hearing impaired in a chiropractic practice is one that arises fairly frequently. Accordingly, the following information and guidelines are provided for licensees involved in the prospective treatment of the hearing impaired.
- **Relation to the Hearing Impaired/Deaf:** Under the ADA, as a licensee, you may be required to make specific accommodations for the hearing impaired. Title III of the ADA applies to all private health care providers regardless of the size of the office or the number of employees (28 CFR 36.104). Under 28 CFR 36.303© health care providers are required to provide appropriate auxiliary aids and services when necessary to ensure that communication with patients who are deaf or hearing impaired is as effective as communication with non-disabled patients.
- **Extension to Non-patient 3rd Parties:** Significantly, the required services may extend to individuals other than the patient. For example, if a hearing impaired or deaf parent presents a minor with full hearing capabilities, the practitioner may be required to provide auxiliary assist services to allow the parent to fully participate in the treatment of the minor.
- **Auxiliary Services Requirements:** The “auxiliary aids/services” required usually include the services of a professional such as a qualified interpreter/signer for the hearing impaired patient. Alternatives such as allowing a family member or friend as the interpreter are permissible provided that the patient fully authorizes it as an alternative to hiring a professional. Be aware; however, that using family members or friends as interpreters can create confidentiality issues. Other alternatives include using writing as a communication tool or more advanced devices such as computer-aided transcription services. Using written notes; however, is cumbersome, time consuming and difficult. It is a lesser preferred method of auxiliary communication. As the doctor, you should readily and fully consult with the impaired patient to help lay out efficacious but cost-effect options. It is to the advantage of the doctor to raise this issue with the impaired patient because the costs of employing professional services are high; accordingly, laying out economical but effective options will assist both the patient and the practitioner.
- **Cost Factor:** It is critical to remember that the cost of providing these auxiliary services must be borne by the practitioner. The practitioner is only exempt from a more expensive auxiliary service if he/she can demonstrate a substantial undue burden on his/her practice. Factors to consider include: cost of the service; overall financial resources of the practitioner; number of staff; effect on expenses and resources; safety requirements. (28 CFR 36.104). Even if an undue burden can be demonstrated, the practitioner must furnish an alternative aid or service that would reduce the burden but still ensure adequate communications. The fees or expenses for such services may NOT be transferred to the impaired patient (28 CFR 36.301).
- **When are Services Required:** Auxiliary services (e.g. interpreter) should be used in all situations in which the exchanged information is sufficiently lengthy or complex to require an interpreter for effective communications. Examples include: discussing patient history, informed consent, diagnoses, prognoses, PT instructions, explaining costs, insurance, etc.
- **Tax Implications:** Certain small practices may claim a tax credit of up to 50% of allowable expenditures over \$250.00 but less than \$10,250. A tax credit of up to \$5,000 is permissible per tax year. Consult with your attorney or tax advisor on this issue.
- **Further Information:** The information for this summary is taken from the National Assn of the Deaf, *Questions & Answers for Health Care Providers*, www.nad.org. For more detailed information, licensees are advised to visit the website.

FAQs (Frequently Asked Questions)

QUESTION:

How many years do records have to be kept, and what constitutes "records?"

ANSWER:

The Chiropractic Practice Act and Maryland statutes regarding recordkeeping (MD Health General Article 4-403) require that records be securely kept for five (5) years following termination of services. For minors, it is five (5) years following termination of services or when the minor reaches the age of majority (whichever is longer). HIPAA requires six (6) years maintenance of records. Accordingly, the Board recommends that records be maintained for at least SIX (6) years. "Records" include any document or film relating to the patient, including: SOAP notes, memoranda, letters, patient calendars and check-in sheets, X-Ray film, billing statements, inquiries, phone log entries, computer generated information. The fact that a licensee's files are maintained by a professional 3rd party contractor is not relevant and does not relieve or mitigate the responsibility of the managing chiropractor to produce records on request by the Board. Failure to maintain secure, legible records is frequently the subject of investigation and routinely arises during an investigation into other matters. Licensee records are usually the first documents requested/subpoenaed during an inquiry. Deficient or missing records may result in disciplinary charges.

QUESTION:

Can an employee start serving as a CA trainee before the Notification of Employment is received by the Board?

ANSWER:

"No" - Employees may NOT work in any capacity as a CA trainee unless/until the CA Notification of Employment is submitted by the Supervising Chiropractor AND the receipt/acknowledgement from the Board has been received by the Supervising Chiropractor. Utilizing an employee before such time constitutes a violation of the law and regulation for using unauthorized personnel in the practice of chiropractic.

QUESTION:

Why doesn't the Board prevent non-chiropractors from opening/operating a chiropractic practice?

ANSWER:

The Chiropractic Practice Act (Health Occupations Article 3-101 *et seq*) does not prohibit opening or operating a chiropractic practice by a non-chiropractic entity. Some health care professions limit ownership/operation of practices specifically to their licensees; the chiropractic profession never legislated a similar restriction. Any individual or organization seeking such legislation should contact their state representative or respective representational organization (e.g. Maryland Chiropractic Assn.).

QUESTION:

I believe an individual is engaging in chiropractic or CA practice without a license or registration. Should I report this to the Board or to the law enforcement authorities; What can the Board or authorities do regarding enforcement?

ANSWER:

The Board of Examiners has jurisdiction only over its licensees and registrants. It does NOT maintain any disciplinary or administrative jurisdiction over unlicensed or unregistered practitioners (unless a licensee/registrant is involved). If you become aware of such a situation, you should immediately contact the local law enforcement authorities as unlicensed practice is a criminal offense in Maryland. Once the report is filed with the police, they usually coordinate with the Board Investigative staff to provide an affidavit of non-licensure. The criminal penalty (MD Code Ann., H.O. Article 3-506 (a)(1) is up to \$2,000 and 6 months imprisonment for the first offense and up to \$6,000 and 1 year imprisonment for subsequent offenses. Any licensee who has knowledge of illegal practice should immediately report it to local law enforcement authorities. Unlicensed practice jeopardizes the public and the chiropractic profession. You may also concurrently notify the Board; however, be aware that the Board does not have prosecutorial jurisdiction.

QUESTION:

Can a chiropractor without PT privileges work with and supervise CAs?

ANSWER:

"No" - Only Supervising Chiropractors may work with CAs. To achieve Supervising Chiropractor status, the first pre-requisite is that the licensee hold PT privileges on his/her license. Licensees without PT privileges may ONLY engage in adjustment and examination procedures. They categorically may NOT engage in PT modalities individually or with the assistance of CAs.

DHMH: UNIT 83
Board of Chiropractic Examiners
4201 Patterson Ave
Baltimore, MD 21215-2299

MEMORABLE QUOTES

The American People always choose to do the right thing in the end...the problem is that they frequently first exhaust all other options!

Unfortunately, the body of truth is often protected by a bodyguard of lies.

Both quotes attributable to:

Sir Winston Churchill, British Prime Minister 1941-45

ADDRESS LABEL

HERE

BRAIN TEASER: What guitarist was considered by the Beatles to be asked to join their band?

ANSWER: Eric Clapton was personal friends with the Beatles and played backup in some of their recordings. For a short time, the Beatles considered asking him to join their band in the early 1970s.

CHANGE OF ADDRESS FORM

(To be submitted every time a licensee changes mailing address)

The Board regulations require all licensees to maintain a current address with the Board. **There is a \$200.**

penalty for failure to maintain a current address with the Board. If you have recently moved or are planning a move, please complete and mail the following:

I, _____, submit that my current official mailing address is

_____.

The change was/is effective on _____. New phone is _____.
E-mail address is: _____.

Chiropractor signature _____ Date _____.

Mail to: MD Board of Chiropractic Examiners, Suite 301, 4201 Patterson Ave., Baltimore, MD 21215-2299
Attn Ms. Berger