



MARYLAND Department of Health

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

September 10, 2019

Mr. Timothy McKenna, Executive Director
Maryland Chiropractic Association
9 Newport Drive
Suite 200
Forest Hill, MD 21050

Dear Mr. McKenna:

The appointment terms for Dr. Michael Moskowitz and Dr. Robert Frieman serving on the State Board of Chiropractic Examiners will expire on June 30, 2020. Both Dr. Moskowitz and Dr. Frieman have served two terms on the Board and are not eligible for reappointment.

The Maryland Department of Health requests the Maryland Chiropractic Association submit a list of five nominees for each seat by November 11, 2019 for the Governor's consideration.

Pursuant to membership outlined in Health Occupations §3-202:

(a)(3)(i) "The Governor shall appoint the chiropractor members, with the advice of the Secretary and with the advices and consent of the Senate, from a list of qualified individuals submitted to the Governor by the Maryland Chiropractic Association.

(ii) The number of names on the list shall be five times the number of vacancies."

(5) (b) Qualifications of chiropractor members. Each chiropractor member of the Board shall be:

- (1) A resident of this State
- (2) A licensed chiropractor of integrity and ability who is in active practice;
- (3) A graduate of a resident course in chiropractic; and
- (4) An individual who has practiced chiropractic in this State for at least 5 consecutive years."

Additionally, as outlined in §3-202(6)(e) – chiropractic members are to be in good standing with the Board. Good standing is outlined in §3-202(6)(e)(1)- (2).

The State Ethics Commission has rendered an advisory opinion (#87-1), which addresses the issue of whether members of health regulatory boards may serve as elected officials or directors of professional associations whose members are under the Board's authority. This opinion would be presumed to be a restriction against appointment unless it was clear that their activities would not, in anyway, be a conflict of interest. You should be aware that this opinion could be a restriction on the nature of an individual's activities with the association after they are appointed to a regulatory board. Any officer or Board member of a professional association who accepts nomination for appointment to a regulatory board shall give consideration to resigning from the position with the association prior to accepting the appointment. If the nominee does not wish to resign, his position with the association must be clearly stated with the submission of the nominee's name, to the Secretary of Health, and subsequently on the Appointee Exemption Disclosure Forms. A determination of eligibility will then be made by the appointment authority.

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The Department is committed to creating geographic, gender and ethnic diverse representation on all Boards. This helps to ensure that decisions reached more adequately reflect the viewpoints of all populations being served and profoundly continue to advance the Board's mission. We request your assistance in this effort and ask that you address this concern when identifying the most talented individuals to submit as nominees.

The Governor's Appointments Office (GAO) requires all nominees to complete the application documents online at <http://govappointments.maryland.gov/instructions-for-filling-out-the-general-application-form/>. Application documents must be submitted no later than November 11, 2019. Please inform the applicants that they will be prompted to upload their resume during the submission of the documents.

The Appointee Exemption Disclosure (AED) form is one of the application documents. The AED form of the applicant chosen for appointment is placed on file with the State Ethics Commission and becomes a public document. The State Ethics Commission highly recommends that applicants request exemptions for employment on the AED form and request a financial disclosure exemption if they own or co-own any business. Applicants are encouraged to contact the Ethics Commission at 410-260-7770 with any questions regarding completion of the AED form.

Thank you for assisting the Department in the nomination process. We look forward to receiving the nominations on or before November 11, 2019. Should you have any questions, please contact me at 410-767-4049 or Kim.Bennardi@Maryland.gov.

Sincerely,



Kim Bennardi
Administrator

Office of Appointments and Executive Nominations

Enclosures

Cc: Sharon Oliver, Board Executive Director

NAME OF BOARD/COMMISSION: Maryland State Board of Chiropractic Examiners

MEMBERSHIP COMPOSITION:

TOTAL NUMBER: 7

PROFESSIONAL: 5 Doctors of Chiropractic

CONSUMER: 2 Consumers

REGULAR BOARD MEETINGS:

DAY: **THURSDAYS (2ND of the month)**

TIME: **10:00 a.m. – 4:00 p.m.**

LOCATION: **Metro Executive Bldg., 4201 Patterson Ave., Ste. 301, Baltimore, 21215**

FREQUENCY: **Semi Monthly**

COMMITTEE MEETINGS including frequency

Board members will be appointed to at least one of these following committees:

- Licensing Committee
- Discipline Committee
- Regulations and Statute Committee
- On-going ad-hoc committees (i.e., Bylaws Committee or Strategic Planning Committee)

Meetings will be held monthly or as needed

DETAIL OF MONTHLY TIME COMMITMENT:

Board members must attend Board meetings and committee meetings. They must review all Board materials prior to the Board meeting.

Approximate time: 6-8 hours

FUNCTION OF BOARD/COMMISSION: (Brief Description)

1. Issuing licenses and registrations to Doctors of Chiropractic and Chiropractic Assistants while insuring competency through educational credentials and mandated continuing program requirements.
2. Receiving and resolving complaints from the public regarding doctors of chiropractic or registered chiropractic assistants who may have violated the law with regard to the Chiropractic Practice Act;
3. Setting standards for the practice of chiropractic that reflect new and emergent developments through regulations and legislation.

OTHER DUTIES OF MEMBERS: (Types of Committees, Exams, etc.)

Board members will develop processes, procedures and policies for the Board.

Board members may represent the Maryland Board at state or national conferences and committees.

Board members may be tasked with helping to write new regulations that adequately reflect the statute.

Information Form for Boards and Commissions
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BOARD MEMBER COMPENSATION: (Stipend/Travel/Other)

\$150.00 for Board meetings plus travel allowance

For additional information on the Board, please visit our website at:

<https://health.maryland.gov/chiropractic/Pages/index.aspx>

If you have other questions, please contact Sharon J. Oliver, Executive Director at sharon.oliver@Maryland.gov or 410-764-5985

Date: September 2019

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§3-202.

(a) (1) The Board consists of 7 members.

(2) Of the 7 members:

(i) 5 shall be licensed chiropractors; and

(ii) 2 shall be consumer members.

(3) (i) The Governor shall appoint the chiropractor members, with the advice of the Secretary, and with the advice and consent of the Senate, from a list of qualified individuals submitted to the Governor by the Maryland Chiropractic Association.

(ii) The number of names on the list shall be five times the number of vacancies.

(iii) The list shall include the name of the incumbent member unless the incumbent declines renomination.

(4) The Governor shall appoint the consumer members with the advice of the Secretary, and with the advice and consent of the Senate.

(b) Each chiropractor member of the Board shall be:

(1) A resident of this State;

(2) A licensed chiropractor of integrity and ability who is in active practice;

(3) A graduate of a resident course in chiropractic; and

(4) An individual who has practiced chiropractic in this State for at least 5 consecutive years.

(c) Each consumer member of the Board:

(1) Shall be a member of the general public;

(2) May not be or ever have been a chiropractor or in training to become a chiropractor;

(3) May not have a household member who is a chiropractor or in training to become a chiropractor;

(4) May not participate or ever have participated in a commercial or professional field related to chiropractic;

(5) May not have a household member who participates in a commercial or professional field related to chiropractic; and

(6) May not have had, within 2 years before appointment, a substantial financial interest in a person regulated by the Board.

(d) (1) In addition to the requirements of subsection (b) of this section, each chiropractic member of the Board shall be a licensed chiropractor whose license is in good standing with the Board.

(2) For purposes of this subsection, "good standing" means that the Board has not reprimanded the licensee, suspended or revoked the license of the chiropractor, or placed the licensee on probation within 5 years prior to or after confirmation to the Board.

(e) While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.

(f) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

- (g) (1) The term of a member is 4 years.
- (2) The terms of members are staggered as required by the terms provided for members of the Board on October 1, 2016.
- (3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
- (4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
- (5) The Governor shall fill any vacancy on the Board within 60 days of the date of the vacancy.
- (6) A member may not serve more than 2 consecutive full terms.
- (h) (1) The Governor may remove a member for incompetence or misconduct.
- (2) Upon the recommendation of the Secretary, the Governor may remove a member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.