

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS
BOARD MEETING

February 18, 2010

GENERAL SESSION AGENDA

1. **Review, approval of Agenda.**
2. **Review, approval of Board Minutes of last meeting (January 21st).**
3. **Review of Administrative Staff Issues, Mr. J.J. Vallone, Executive Director:**
 - a) Final review and vote on proposed COMAR Revisions
 - b) 2010 Legislative Session: HB 114, HB 747, HB 541, HB 627
 - c) NBCE Part IV Exam, May 14, 15 and 16, 2010; Part IV Test Committee Meeting – June 11 and 12, 2010
 - d) Budget Discussion/Workload and staffing
 - e) Draft of Massage Newsletter
 - f) NBCE Part IV Exam Nominees
4. **Requests for chiropractic trade name approval:**
 - a) *Annapolis Disc Institute* – Kathryn Hodges, D.C.
 - b) *Bartel Family Chiropractic and Wellness* – Michael R. Bartel, D.C.
 - c) *Center for Dizziness and Balance Disorders, Michael S. DeCriscio, D.C.* – Michael S. DeCriscio, D.C.
 - d) *Elite Spine & Wellness Chiropractic Center* – Craig Chavis, D.C. (*trade name change*)
 - e) *Dunkirk Chiropractic and Wellness Center* – Michael Fedorczyk, D.C.
5. **Request for massage trade name approval:**
 - a) *Balance Point Healing Arts Therapeutic Massage & Bodywork* – Joleen Johnson, LMT
6. **Request from Ms. Karen Roberts, LMT, regarding approval of retroactive college credits – Ms. Congo.**
7. **Petition from Eung K. Kim, D.C.**
8. **FYI – Miscellaneous correspondence for review/discussion.**

BOARD WORKING LUNCH

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS

MINUTES – GENERAL SESSION

February 18, 2010

Members Present

Kay B. O'Hara, D.C., Board President
Stephanie J. Chaney, D.C., Board Vice President
Clyde Anderson, LMT
Karen Biagiotti, LMT
Michael Fedorczyk, D.C.
Gwenda Harrison, LMT
Jonathan C. Nou, D.C.
Duane R. Sadula, D.C.
Issie L. Shelton Jenkins, Consumer .

Non-Members Present

James Vallone, Executive Director
Adrienne Congo, Deputy Director
David Ford, Board Sr. Investigator
Marc Ware, Board Investigator
Grant Gerber, Esq. Board Counsel, AAG office
Emily Jones, License Coordinator/Admin. Spec.III
Danielle Gonnelli, Compliance Analyst
Ruby Ann Arty, Investigator, Brd of Morticians & Fun. Dir.
Senator Paula Hollinger, DHMH
Sharon Bloom, DHMH
Barbara Davenport, LMT, guest
Ed Goode, LMT, guest
Cher Hunter, Director -Massage Program, CCBC, guest

Members Absent

Daniel Kraus, D.C.
Mary Anne Frizzera-Hucek, Consumer, Brd. Secretary/Treasurer

Non-Member Absent

Maria Ware, Office Manager/Supervisor

Dr. O'Hara called the General Session to order at 10:05 a.m. in Room 105 at DHMH, 4201 Patterson Avenue, Baltimore, MD.

Review, Approval of Agenda

The agenda was amended to add HB747, HB 541, HB 627 to 3b. and to add item 3f. NBCE Part IV Exam Nominees under Administrative Staff Issues; to add 4e. Dunkirk Chiropractic and Wellness Center and to add 4f. Balance Point Healing Arts Therapeutic Massage and Bodywork under Request for Trade Name Approval; to add item 7. Petition from Eung K. Kim, D.C. Ms. Jenkins moved to approve the agenda as modified. Dr. Sadula seconded the motion. The motion unanimously carried.

Review, Approval of Minutes

Gwenda Harrison noted that the minutes failed to mention membership in the Federation of State Massage Therapy Boards. She asked that the minutes be amended to reflect this.

Mr. Vallone stated that Ms. Congo would investigate the issue of membership.

A motion was made to approve the January 21, 2010 General Session Minutes as amended and seconded. The motion unanimously carried.

Introductions: Guests attending the meeting introduced themselves.

Administrative Staff Issues – James Vallone, Executive Director

2010 Legislative Session: Mr. Vallone reported on the status of bills impacting the Board.

- The language of HB 114 entitled Health Occupations Boards-Revisions which deals with procedural changes for all Boards and Commissions is being tweaked. The House hearing has been held and the Senate hearing is being held today. Secretary Colmers supports the Bill.

Administrative Staff Issues (continued)

- House Bill 135 dealing with continuing the State Board of Chiropractic and Massage Therapy Examiners in accordance with the provisions of the Maryland Program Evaluation Act by extending to July 1, 2022, etc. will pass.

Grant Gerber stated that Mr. Vallone is very deserving of an acknowledgement and thanks from the Board for all the time and energies he put in with presentations to the Administrative, Executive and Legislative Review Committee (ALER) in response to their questions regarding fees and fee changes for the sunset review and program evaluation.

- Mr. Vallone asked the Board to look HB 747 which deals with establishing a State Board of Personal Trainers and to consider the position it will take – support or oppose.
- Senator Hollinger called the Board's attention to HB 627. The bill requires that consumer members on health occupations boards and committees be members of the general public; prohibiting specified consumer members from being or having been a health care professional or in training to be a health care professional or from having a household member who is a health care professional or in training to be a health care professional; prohibiting specified consumer members from participating or ever having participated in specified commercial or professional fields. She pointed out that the Board will need to take a position of support or oppose. Mr. Vallone stated that he would follow up with Ann Tyminski who is drafting a position paper for the Boards and Commissions and convey that it is the consensus of the Board to oppose the Bill.

NBCE Part IV Exam: Mr. Vallone stated that the National Board of Chiropractic Examiner has invited the Board to recommend one or two licensed Chiropractors to act as examiners for the Part IV Practical Examination on May 14, 15, & 16, 2010. He encouraged members to volunteer. A Part IV test committee meeting will be held on June 11 and 12, 2010.

Budget Discussion/Workload and Staffing: Mr. Vallone reported that the budget is in a comfortable position to meet the required thirty-percent carryover. With the upcoming massage therapy renewal, consideration is being given to lowering the renewal fee. The days off due to the snow blizzard has caused work in the office to fall about one week behind. The reason for petitions from Chiropractors to wave fees is due to the economy. The e-mail database for the Chiropractors is complete. The e-mail database for massage therapists is three-quarters complete.

Massage complaints have declined due to increased co-operation with the police departments. During the discussion of complaints, the Board expressed interest in knowing the number of complaints and cases.

Massage Therapy Newsletter: Ms. Congo reported that the massage therapy newsletter is ninety eight percent complete.

NBCE Part IV Exam Nominees: Michael Fedorczyk, D.C and Jonathan C. Nou, D.C. volunteered to act as examiners for the Part IV Practical Examinations on May 14, 15 & 16, 2010.

Request for Trade Name Approval

The Board voted on each of the following requests for trade name approval.

- The trade name *Annapolis Disc Institute* was denied. Kathryn Hodges, D.C. will be notified to resubmit her request for trade name approval.
- The trade name *Bartel Family Chiropractic and Wellness* – Michael R. Bartel, D.C. was approved by unanimous vote.
- The trade name *Center for Dizziness and Balance Disorders, Michael S. DeCriscio, D.C. VRS* was approved by unanimous vote.

- The trade name change to *Elite Spine & Wellness Chiropractic Center* – Craig Chavis, D.C. was approved by unanimous vote.
- Michael Fedorczyk, D.C. requested a trade name change to *Dunkirk Chiropractic and Wellness Center*. Dr. Fedorczyk recused himself from the vote. The Board unanimously voted to approve the name change.
- The trade name *Balance Point Healing Arts Therapeutic Massage and Bodywork* requested by Joleen Johnson, LMT was approved by unanimous vote.

Request for Continuing Education Credit (CEU) – Adrienne Congo, Deputy Director

Ms. Congo presented the petition of Karen Roberts, LMT who requested approval of two college courses for CEU credits. She had taken the courses during the 2009 spring semester at Community College of Baltimore-Catonsville.

DISPOSITION: Dr. Fedorczyk moved to not approve granting CEU credits for the courses because she failed to make the request 90 days prior to taking the courses. The motion was seconded by Dr. Nou. The motion carried by unanimous vote.

Petition from Eung K. Kim D.C.

Eung K. Kim D.C. petitioned the Board to request extension of time for his Chiropractic Assistant (CA) trainees, Deborah Pak and Rachel Sung. Dr. Kim stated that busy time schedules, bad weather, and Ms. Sung's injury were contributing factors for the delay of his CAs not completing the preparation course and training.

DISPOSITION: The Board unanimously agreed to table the request for extension until each Chiropractic Assistant could provide detailed reasons for failing to complete their training. In addition, Mr. Vallone would communicate the decision and required information to Dr. Kim.

Before reviewing and finalizing the final draft of the proposed Massage Therapy COMAR Revisions, the Board agreed to take a break at 11:10 a.m. General Session resumed at 11:35 a.m.

Final Review and Vote on Proposed COMAR Revisions

The Board discussed trade names presented by massage licensees. For trade names that do not meet current guidelines, examples of trade names massage therapists could use were given. In response to Ms. Harrison's question regarding massage therapists with trade names that existed prior to enactment of the law, Mr. Vallone indicated that a twelve month grace period could be granted to assist licensees with registering their trade names with the Board.

All technical changes were noted during the page by page review lead by Mr. Vallone. The Board unanimously agreed to change the word *patient* to *client*.

The Board discussed various changes in the wording for Chapter 21-Record Keeping. Dr. Fedorczyk moved to include changes of *client history* to *health history*, *treatment plan* to *massage session summary which shall be in S.O.A.P. format*, and *delete S.O.A.P. notes*. The motion was seconded by Ms. Biagiotti. The vote was 3 for; 3 against. The tie was broken by Ms. O'Hara who voted for. The motion carried.

The draft Pre-hearing Procedures drafted by Mr. Gerber were reviewed and minor changes were made.

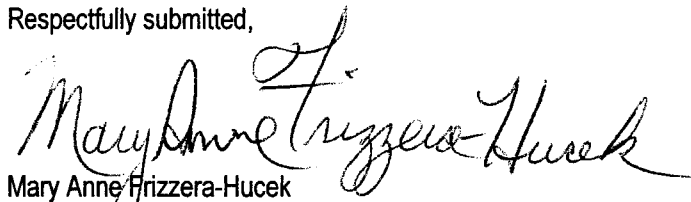
Dr. Sadula moved to approve the COMAR revisions as the Board has agreed upon. The motion was seconded by Dr. Chaney. The motion carried by unanimous vote.

Board agreed to take a lunch break at 12:40 p.m. General Session resumed at 1:40 p.m.

Senator Hollinger asked the Board to take a look at HB 541 entitled: Health Occupations - Wellness Practitioners - Exemption from Licensure as Physicians, a hearing is scheduled for February 24, 2010. Mr. Vallone asked the Board for comments via e-mail.

Ms. Jenkins moved to adjourn. Dr. Sadula seconded the motion. The General Session adjourned at 2:45 p.m.

Respectfully submitted,



Mary Anne Frizzera-Hucek
Board Secretary/Treasurer