Message From New Board 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 outgoing 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 proactive, competent, 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/clients, 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, Chiropractic Assistants, Massage Therapists and Massage Practitioners is a daunting task. Our intake of disciplinary complaints continue 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 proactive suggestions to make the Board and its services better. As we continue to transition into the electronic mode with responses, renewals, data postings, etc.; we are being more accurate and much 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 and registrants of important matters in real time. Thank you for all of your support. If you have questions or comments; please feel free to contact the Board via the Deputy Director, Adrienne Congo, at 410-764-2965 or at congoa@dhmh.state.md.us.

Board Approves MBLEx Examination for Massage Applicants

The Board recently approved an examination developed by the Federation of State Massage Boards (FSMTB) on behalf of its Member Boards; the Massage and Bodywork Licensing Examination (MBLEx). To ensure the examination reflects current practice, “a Job Task Analysis Survey was developed with contributions by over 50 content experts under the guidance of 15 testing and psychometric experts. The Job Task Analysis was further validated by input from 7,646 massage, bodywork and somatic professionals representing every state in the USA.” (FSMTB). 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 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.

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 therapist, 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 (continued on Page 2)
Licensed Massage Therapist and NOT a Registered Massage Practitioner because only the former is a bona fide healthcare practitioner authorized and licensed to work in a healthcare setting.

The contentious issue has been, “Can a licensee RENT a space to a non-licensed 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-licensed healthcare practitioners but that the practitioner and lessee should take prudent measures to clearly notify the Public that the non-licensed healthcare lessee is not affiliated with or sponsored by the (ex. 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-licensed healthcare practitioner. Taking these prudent steps will help avoid confusion or misconception by the general public. Any questions regarding this matter should be addressed to the Board Executive Director for clarification.

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

FROM THE EXECUTIVE DIRECTOR’S DESK:

CHIROPRACTOR RENEWAL OBSERVATIONS:

I am pleased with the cooperation of the vast majority of chiropractic 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 certification from the approved providers (American Red Cross & American Heart Association or their affiliates). As a result, issuance of their licenses was delayed until they obtained the proper CPR Certification which is stipulated in the regulations for chiropractors and chiropractic assistants.

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. Over billing, 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 of imprisonment, loss of income, license and reputation. This Board is simply vigilant. Many times, a complaint leads to subpoena and review of patient 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 of 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 investigative unit under Senior Investigator, David 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!

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, Esq. to craft a comprehensive disciplinary sanctioning paradigm that will address Board disciplinary orders. The guidelines are anticipated to assist in consistency ad reasonableness regarding the application of specific orders to specific charges and specifications of violations of the Massage Practice Act. The DHMH deadline is December 31st to have all Board Guidelines submitted to the DHMH Secretary.

MBLEx EXAMINATION NOW ACCEPTED BY THE BOARD (Eff. 09/08/2011): Massage licensure applicants now have an additional examination source to fulfill their requirements. In addition to the NCBTMB (NCETM/NCETMB) and NCCAO; applicants may satisfy requirements by the successful passing of the Federation of State Massage Therapy Board’s (FSMTB) MBLex substantive examination.

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 2011 regional FCLB conference in Halifax, Nova Scotia. Many national and regional issues were discussed and considered. Board Members, Ms. Ernestine Jones-Jolivet, and Ms. MaryAnne Frizzera-Hucek, attended the National Citizens Advocacy Center 2011 Annual Meeting. The agenda included disciplinary activities of Boards and Commissions. In October 2011, Members, Mr. David Cox, LMT, Ms. Karen Biagiotti, and Ms. Emily Jones, Lic. Coordinator; attended the Federation of State Massage Therapy Boards national meeting in Los Angeles, CA. The FSMTB is the counterpart to the Chiropractic FCLB and deals with both national and regional issues of importance regarding Massage Therapy. Senior Investigator, Mr. David Ford, will attend the National Healthcare Anti-Fraud Association (NHCFFA) 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. Cost for these programs are annually submitted as part of the Board’s budget and must be cleared under strict guidelines by DHMH and the Office of General Accounting.
JURISDICTIONAL LIMITS OF THE BOARD

Every month, the Board receives many questions and request for action. These include requests involving resolving insurance disputes, coding issues, business, corporate and management set-up, civil suits, legal disputes, grievances against patients/clients, 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 hand help licensees and registrants seeking assistance on non-jurisdictional matters. “Jurisdiction” is what controls the authority of the Board of Chiropractic & Massage Therapy Examiners to get involved in issues and to take certain actions. In summary, the Board has jurisdiction to: issue licenses, registrations, discipline licensees and registrants, 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 Act, 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 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. Mr. Vallone will gladly provide whatever information is available and can clarify jurisdictional dilemmas or confusion on related issues.

FORMAL PUBLIC ORDERS / DISCIPLINARY ACTIONS ISSUED FOR 2011

- **ANDREW CHOI, D.C., JAN. 2011**: Using unregistered assistants, improper advertising, violation of regulations: $2500 fine; take/pass Disciplinary Jurisprudence Exam & Supervising Chiropractor Exam, register trade name with the Board.
- **STEPHEN ERLE, D.C., MAR 2011**: Multiple violations of law/regulations, including: using unlicensed practitioners, false misrepresentation, making false reports, using unauthorized trade name and failing to cooperate with investigator. License suspended on 8/13/2009; Dr. Erle failed to meet the sanction requirements of the Disciplinary Order: Licensee formally surrendered his license to the Board on 3/7/2011.
- **CARY SIGAFOOSE, D.C., APR 2011**: Incapacity due to influence of alcohol: License Formally Surrendered.
- **CHRISTOPHER PLUMMER, RMP, APR . 2011**: Submitting false application statements: Application Granted with 24 months Probation.
- **MARK FEDORCZYK, D.C., MAY, 2011**: Practicing with unregistered personnel, inappropriate advertising: Reprimand, 18 month probation, $2500 fine, Jurisprudence Exam & Ethics Course.
- **ROBERT TRAMMEL, MST APPLICANT, MAY, 2011**: Criminal Misconduct: Registration Issued: 12 months probation, Ethics & Patient Management Courses, Professional Counseling; Drug Testing.
- **DEOK HAMMEL, MST Reinstatement Application, JUN., 2011**: Using registration to engage in illicit criminal activity of sexual nature: Reinstatement Denied (Original License previously revoked for criminal activity).
- **NICOLE BALL, MST Applicant, JUN., 2011**: Prior criminal misconduct (moral turpitude) & failure to state information on Application: Application Denied.
- **RAMON ADALLA, LMT, AUG., 2011**: Submitting false application statements & sexual misconduct: Summary Suspension; License Voluntarily Surrendered: Formal Acceptance of Letter By Board-Practice Terminated.
- **AECHIA OLIVARRIA, LMT, AUG., 2011**: Deceptive use of license; sexual misconduct under guise of massage therapy: License Revoked.
- **YONG SNYDER, LMT, AUG., 2011**: Deceptive use of license; sexual misconduct under guise of massage therapy: License Revoked.
- **YEON KIM (a.k.a., PALLIDINETTI), LMT, AUG., 2011**: Deceptive use of license, sexual misconduct under guise of massage therapy: License Revoked.
- **ALI AHADPOUR, D.C., OCT., 2011**: Abuse of prescription drugs, failure to abide by terms of previous Board Order: Summary Suspension Continued: Re-application for Licensure Denied for a minimum of 3 years.
- **MICHAEL STEEVES, LMT, OCT., 2011**: Boundary violations with massage student while serving as massage instructor at a Board approved Massage School of Instruction: License Revoked.
- **CHAN LILEY, RMP, OCT., 2011**: Fraudulent use of massage license for illicit activities: License Revoked.
- **HERVE BAPTISTE, LMT, OCT., 2011**: Alleged boundary violations and previous similar violations in other jurisdictions. Emergency Summary Suspension with hearing on November 10, 2011.

INFORMAL DISCIPLINARY SANCTIONS FOR 2011

(Identities of Licensees may not be released)

- **DR. ‘X’, D.C., MAR., 2011**: Ineffective patient communication & behavior: Letter of Education
- **RMP ‘X’, MAR., 2011**: Ineffective client communication & behavior: Letter of Education
- **DR. ‘X”, D.C., MAR., 2011**: Filing false entry, inadequate examination: Letter of Admonishment
- **DR. ‘X’, D.C., MAY, 2011**: Improper, misleading advertising: Letter of Admonishment
- **DR. ‘X’, D.C., MAY, 2011**: Ineffective patient communication & policy: Letter of Education
- **6 CHIROPRACTOR LICENSEES: OCT., 2011**: Informal/Monetary penalty for submitting late renewal applications without justification (i.e., after the 9/1/2011 deadline): $500.00 monetary late penalty fee per violator.
BOARD MASSAGE COMPLIANCE INITIATIVE CONTINUES WITH PRO-ACTIVE ENFORCEMENT

The Board has worked diligently and in cooperation with local law enforcement authorities to close unlicensed practices. Over the past months, the police have been especially diligent in responding to reports and mall managers have been cooperating in shutting down practices engaged in massage therapy without licensed therapist/practitioners. However, again, we must remind licensees and registrants that the Board DOES NOT have jurisdiction in these cases. Illegal massage or chiropractic practice is a criminal violation punishable by fine and/or imprisonment. The board administratively assists the police in providing information and license/registration verification services to the arresting officer and prosecutor.

If you are aware of an unlicensed or unregistered practice; CALL THE POLICE and file a report. Illegal massage practice takes money out of the pockets of license/registered practitioners. It also demeans the healthcare practice of massage.

REMINDER - COURT & BOARD GUIDELINES REGARDING PRACTICING CHIROPRACTIC & MASSAGE ON ANIMALS

In a Circuit Court Decision (Clemens v Board of Examiners), the Montgomery County Circuit Court (Judge Boynton/Case No. 296766V) upheld the long-standing statute that licensees may NOT practice on animals under the scope/authority of their licenses or registrations. This was consistent with Health Occupations Article 3-101 and 3-5A-01, which restricts practice to the “human body.” However, the Court ruling also clarified that the Board could NOT prevent a licensee from practicing on animals provided that the practice was not done under the advertisement, scope, or authority of a Board issued license. In other words, if a chiropractor or massage therapist wishes to practice on an animal, they may do so providing that they do not advertise or hold themselves out as qualified or authorized based on their Board license. Any such practice may not be done in a chiropractic or massage practice location. Since the Maryland Board of Veterinary has the ultimate jurisdiction in practice on animals, it is recommended that any licensee or registrant wishing to practice on animals (as an individual and not as a licensee/registrant) first contact that Board for guidance.

The Board opines that an article in the Fall 2009 AMTA, MD Chapter Newsletter did not fully explain the above-cited court ruling and required clarification. If you have questions on the application of this court holding, please contact the Board.

TAX OR CHILD SUPPORT DELINQUENCIES WILL DELAY YOUR ABILITY TO RENEW YOUR LICENSE OR REGISTRATION

HAVE YOU PAID YOUR STATE TAXES?

Maryland law requires that anyone who qualifies for a renewal license, certificate or registration must be current with state taxes and/or child support payments prior to the issuance of the renewal license, certificate, or registration. THIS MEANS THE BOARD CANNOT ISSUE A RENEWAL LICENSE, CERTIFICATE OR REGISTRATION UNLESS ALL TAX OBLIGATIONS AND/OR CHILD SUPPORT OBLIGATIONS TO THE STATE ARE PAID OR AN AGREEMENT HAS BEEN MADE TO CURE THE TAX / CHILD SUPPORT DEBT— THERE ARE NO WAIVERS OR EXCEPTIONS.

NOTE: The Board cannot intervene in any delinquent tax or child support matter unless the licensee or registrant has reason to believe there has been an error on the Board’s part. It is the responsibility of the licensee or registrant to contact the Comptroller’s Office to resolve any outstanding issues/matters of the State of Maryland prior to renewing a license or registration online during the Biennial Renewal window. The Comptroller’s Office will then notify the Board via email of a clearance status for your license or registration; then and only then will you be able to proceed with the renewal process.

THE BOARD MUST ADHERE TO THE REGULATION AND CANNOT MAKE ANY EXCEPTIONS!
Refer to COMAR 10.31.02.02

CHANGE OF ADDRESS NOTIFICATION REQUIREMENT

A “Change of Address” is to be submitted every time a licensee or registrants changes mailing address. The Board regulations require all licensees and registrants to maintain a current address with the Board. The licensee and registrant shall notify the Board of any change in the name or address of the license or registration holder, in writing, within 60 days after the change occurs. You may make notification in writing by U.S.P.S. mail, by fax (410) 358-1879, or by simply completing and mailing to the Board the “Change of Name/Address” card connected to the wallet portion of your license or registration.

THERE IS A $100.00 ADMINISTRATIVE PENALTY FOR FAILURE TO MAINTAIN A CURRENT ADDRESS WITH THE BOARD!
Refer to COMAR 10.43.17.12
The Renewal for the 2012-2014 Biennial Period will be in October 2012. This is only 11 months away. Remember, licensees and registrants MUST successfully complete at least 24 CEUs of Board approved courses and hold a current valid workplace CPR certification. NOW IS THE TIME TO START TAKING/COMPLETING THE REQUIRED CEUs and ENSURING THAT YOUR CEU CERTIFICATES ARE WITHIN THIS CURRENT BIENNIAL RENEWAL WINDOW OF NOVEMBER 1, 2010 UP THROUGH OCTOBER 31, 2012. Live, online and take-home courses are permitted provided that they are Board Approved. Courses which fit the regulation’s criteria of:

1. 3 Hours in Professional Ethics or Jurisprudence
2. 3 Hours in Communicable Diseases education including HIV/AIDS
3. 18 Hours in massage related courses approved by the Board (excluding business practice courses)

AND ARE COURSES APPROVED BY NCBTMB OR FROM AN INSTITUTION OR SCHOOL ACREDITED BY THE MARYLAND HIGHER EDUCATION COMMISSION (MHEC); ARE CONSIDERED PRE-APPROVED AND DO NOT NEED TO BE SUBMITTED TO THE BOARD TO GAIN APPROVAL TO TAKE.

90 DAY DEADLINE FOR NON PRE-APPROVED CEUS SEEKING APPROVAL

Licensees and registration holders CHOOSING TO TAKE A COURSE THAT DOES NOT MEET THE PRE-APPROVED STATUS are required to submit approval request for CEU courses to the Board for approval at least ninety (90) days prior to the commencement of the course or program. Either the licensee or course sponsor may submit the request for approval to the Board. The request must include a full timeline of classes, course syllabus, resumes of instructors, description of when, where, how the course is presented as well as a full description of all administrative processes utilized. All request will be reviewed by the Massage Program Educational Subcommittee. No retroactive approval will be granted. Non-approved courses will NOT count towards meeting the 24 CEU credit hour renewal requirement. IT IS THE SOLE RESPONSIBILITY OF THE LICENSEE OR REGISTRATION HOLDER TO ENSURE THAT CEU REQUIREMENTS ARE FULLY MET.

NATIONAL CERTIFICATION VS. STATE LICENSURE

As a reminder, National Certification is NOT required to renew a Maryland License/Registration. National Certification through the NCBTMB or NCCAOM is not required to renew your Board issued license or registration. In order to practice massage for compensation in Maryland, you must be licensed or registered by this Board. National certification is a non-government credential; accordingly, National Certification is optional in Maryland AFTER YOUR INITIAL LICENSE OR REGISTRATION WITH THE STATE.

It is a criminal violation of law to practice massage therapy in Maryland without a Board issued license or registration. DON’T let anyone convince you that it is “OK” to practice massage in Maryland with only a National Certification Certificate.

RENEWAL DEADLINE—OCTOBER 31, 2012

Renewal Time is fast approaching. Renewal notices will be mailed out in August or early September 2012. Renewal notices will contain all the information you’ll need to renew your license/registration electronically since RENEWALS WILL BE DONE ONLINE (opened and closed on specific dates) using the Board’s new electronic renewal database. If you have not already done so review the CEU requirements and ensure that you have the required CEU’s to qualify for this 2012-2014 licensing period. In excess of your 24 CEU’s, do not delay in updating your CPR qualifications.

Licensed Massage Therapists and Registered Massage Practitioners must complete 24 hours of approved coursework, in addition to having a current CPR card (COMAR 10.43.20). If you are audited, you must COMPLETE THE ONLINE PROCESS, THEN submit documentation (copies of your CEU certificates and CPR card) to prove your CEUs and CPR certification.

IMPORTANT TIMELINES FOR 2012

Online Biennial Renewal will open live approximately August 30, 2012 and will run through October 31, 2012. Late renewal will begin November 1, 2012 and close November 31, 2012. December 1, 2012 the Biennial Online System will close. Any licensee or registrant who has not renewed his/her license or registration or licensure status by November 31, 2012 will become non-renewed on December 1, 2012.

WALK-INS

In order to facilitate audit tracking and fiscal procedures recently implemented by the Office of Legislative Audits, the Board must insist that all applications, renewals, and payments be submitted by mail or messenger service. Unless special circumstances are approved by the Board, all business must be transacted via mail service. Of course any licensee may make an appointment to personally come in and discuss any relevant issue with the Massage Program Manager. Information may also be obtained and questions promptly answered via phone or email.
REQUEST FOR RESTRICTION OF EMAIL ADDRESS FROM DATABASE ROSTER

I, _________________________________________, License No.________________, request that my email address not be included on the Board releasable database roster. By this request, I acknowledge and agree that this restriction may result in me not having access to updated electronic information, advertisements and CEU programs that may be distributed, offered, advertised and disseminated by providers and contractors.

________________________________________  __________________
Signature                                     date

Mail to: MD Board of Chiropractic & Massage Therapy Examiners, 4201 Patterson Avenue, Suite 301, Baltimore, Maryland 21215

ADDRESS CHANGE FORM

All licensees and registrants must notify the Board in writing upon changing their mailing address. Failure to do so will result in the assessment of a $100.00 fine pursuant to COMAR 10.43.06.S.

I, _________________________________________, submit that I have changed my official mailing address to:
________________________________________________________________________________, effective on:
________________________________________________________________________________, 20___. I understand that upon receipt of this form, my official mailing address will be changed in my Massage Therapy file and in the licensee database.

__________________________________________________
Print Name

Mail to: Board of Chiropractic & Massage Therapy Examiners
Suite 301
4201 Patterson Ave.
Baltimore, MD 21215-2299
Attn: Ms. Emily Jones

________________________  __________________
Signature                     Date